

**NO. WR-70,510-01**

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**IN THE TEXAS COURT OF CRIMINAL APPEALS**

**AND**

**IN THE DISTRICT COURT OF BEXAR COUNTY, TEXAS  
186<sup>TH</sup> JUDICIAL DISTRICT  
2004-CR-1661-W**

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**EX PARTE JUAN EDWARD CASTILLO**

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**THIS IS A DEATH PENALTY CASE  
APPLICATION FOR POST-CONVICTION  
WRIT OF HABEAS CORPUS**

**Appendix: Tabs 1-30**

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**Hearing  
Requested**

**JOHN M. ECONOMIDY**

**San Antonio, Texas**

**Office:**

**Fax: None**

**Oral Argument  
Requested**

**Attorney for Applicant  
JUAN EDWARD CASTILLO**

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58. Ltr, June 16, 2004, Callahan to Castillo saying he would see client in jail on test results.  
--Taken from attorney Callahan's files
59. Ltr, March 9, 2006, Callahan to Castillo stating he would present sleeping jurors on appeal if record supported the allegation.  
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60. Ltr, April 11, 2006, Castillo to Judge Herr asking that Callahan be replaced with new appellate counsel so that issues on ineffectiveness of counsel could be raised.  
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61. Ltr, May 8, 2006, Callahan to Castillo that writ attorney will present a claim on ineffective assistance of counsel in writ application.  
--Taken from attorney Callahan's files



# **Exhibit 1**

**FILED**

O'CLOCK M

NAME: CASTILLO, JUAN

ADDRESS: [REDACTED]

FEB 24 2004

CHARGE: CAPITAL MURDER

G.J. NO.: [REDACTED]

Clerk Of the Courts  
Bexar County, Texas

COMP: TOMMY GARCIA

CAUSE NO:

2004 CR 1461A

P-H

BY

DEPUTY

DATE:

186th

SID NO.: [REDACTED]

OFFENSE CODE:

CC: FRANCISCO GONZALES GJ [REDACTED]

IN NO.: [REDACTED]

/FELONY02-18.BR

WITNESS: STATE'S ATTORNEY

**TRUE BILL OF INDICTMENT**

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS, the Grand Jury of Bexar County, State of Texas, duly organized, empaneled and sworn as such at the JANUARY term, A.D. 2004, of the 399TH Judicial District Court of said County, in said Court, at said term, do present in and to said Court that in the County and State aforesaid, and anterior to the presentment of this indictment, and on or about the

3RD day of DECEMBER, A.D., 2003, JUAN CASTILLO, hereinafter referred to as defendant, did then and there intentionally cause the death of an individual, namely: TOMMY GARCIA, by SHOOTING TOMMY GARCIA WITH A DEADLY WEAPON, NAMELY: A FIREARM, and the said defendant did intentionally cause the death of TOMMY GARCIA while in the course of committing and attempting to commit the offense of ROBBERY upon TOMMY GARCIA;



Before the commission of the offense alleged above, on the 17TH day of  
SEPTEMBER, A.D., 2001, in Cause No. 2000CR5489, in BEXAR COUNTY, TEXAS,  
the defendant was convicted of the felony of DEADLY CONDUCT - FIREARM;  
against the peace and dignity of the State.

*Martina Comati*  
FOREMAN OF THE GRAND JURY

THE FOLLOWING FOR DISTRICT CLERK'S USE ONLY

OFFENSE: CAPITAL MURDER

NAME: JUAN CASTILLO

ADDRESS: [REDACTED]

GRAND JURY NO.: [REDACTED]

FILE NO.:

OFFENSE CODE: 90114

SID NO.: [REDACTED]

JN NO.: [REDACTED]

WITNESS: STATE'S ATTORNEY

G:\SPCV\FELONY\02-23-1

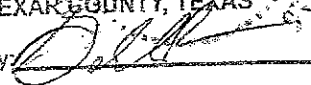
*Repealer*



CERTIFIED COPY CERTIFICATE STATE OF TEXAS  
I, MARGARET G. MONTEMAYOR, BEXAR COUNTY DISTRICT  
CLERK, CERTIFY THAT THE FOREGOING IS A TRUE AND  
CORRECT COPY OF THE ORIGINAL RECORD AS INDICATED  
BY THE VOLUME, PAGE AND COURT ON SAID DOCUMENT.  
WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE THIS

JUL 12 2009

MARGARET G. MONTEMAYOR  
BEXAR COUNTY, TEXAS

By:  DEPUTY

**BACK OF PRIOR PAGE**

## **Exhibit 2**



**JUDGMENT OF CONVICTION - CAPITAL MURDER  
SENTENCED TO DEATH - INSTITUTIONAL DIVISION**

THE STATE OF TEXAS

NO. 2004-CR-1461A

IN THE 186TH DISTRICT COURT

VS

OF

JUAN EDWARD CASTILLO

BEXAR COUNTY, TEXAS

JUDGE PRESIDING: MARIA TERESA HERR

DATE OF JUDGMENT: SEP 9 2005

APPEARANCES DAVID LUNAN

APPEARANCES VINCENT D. CALLAHAN

FOR STATE: TONY REYES

FOR DEFENSE: BILL HARRIS

OFFENSE CONVICTED OF: CAPITAL MURDER - OTHER FELONY

19.03 (a)(2) PCDATE OF CONVICTION: 08/30/2005

DEGREE OF OFFENSE: CAPITAL FELONY

DATE OFFENSE COMMITTED: 12/03/2003

CHARGING INSTRUMENT: INDICTMENT

PLEA TO JURY: NOT GUILTY

VERDICT OF JURY:

FOREPERSON : GEORGE E. ADAMS

We, the jury, find the defendant, Juan Castillo, guilty of Capital Murder as charged in the indictment.

VERDICT OF JURY:(PUNISHMENT)

FINDING ON SPECIAL ISSUE(S):

ISSUE NO. 1: Is there a probability that the defendant, Juan Castillo, would commit criminal acts of violence that would constitute a continuing threat to society? ANSWER: We, the Jury, unanimously find and determine beyond a reasonable doubt that the answer to this Special Issue is "Yes".

ISSUE NO. 2: Taking into consideration all the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, is there a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed? ANSWER: We, the Jury, unanimously find and determine that the answer to this Special Issue is "No".

DATE SENTENCE IMPOSED: 09/01/2005

SENTENCE OF DEATH

(INSTITUTIONAL DIVISION): DEATH TDCJ-ID

CONCURRENT UNLESS OTHERWISE SPECIFIED:

TIME CREDITED: N/A

COSTS: \$ 313.00

TOTAL AMOUNT OF

RESTITUTION/REPARATION: \$ 0.00

RESTITUTION TO BE PAID TO:

NAME:

ADDRESS:

On the 23<sup>rd</sup> day of August, 2005 the above numbered and entitled cause was reached and called for trial, and the State appeared by the attorney stated above, and the Defendant and the Defendant's attorney were also present. Thereupon, both sides announced ready for trial, and the Defendant, having been duly arraigned, entered a plea of NOT GUILTY to CAPITAL MURDER - OTHER FELONY. The trial was before a Jury who, after hearing the evidence, the Charge of the Court and the argument of Counsel thereon, rendered a verdict as shown above.

Thereupon, in accordance with the law, a separate sentencing proceeding was conducted. Evidence was submitted, the Jury was charged by the Court as to certain special issues and rendered a verdict as shown above.

NO. 2004-CR-1461AATE OF TEXAS VS. JUAN CASTIL

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that the Defendant is guilty of the offense stated above as found by the verdict of the jury, and, the punishment is fixed in accordance with the Jury's verdict and as required by the Statutes of the State of Texas at DEATH and the State of Texas do have and recover of said defendant all court costs in this prosecution expended for which execution will issue.

The jury having been discharged and thereupon on the 1ST day of September, 2005 the Court asked the Defendant whether the Defendant had anything to say why said sentence should not be pronounced upon said Defendant, and the Defendant answered nothing in bar thereof. Whereupon the Court proceeded, in the presence of said Defendant and the Defendant's attorney, to pronounce sentence upon said Defendant as follows:

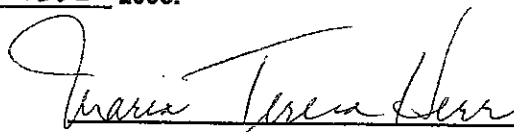
It is ORDERED by the Court that the Defendant, who has been adjudged guilty of the offense stated above, be and is hereby sentenced to DEATH. The Defendant shall be taken by the authorized agent of the State of Texas or by the Sheriff of Bexar County, Texas, and by him safely conveyed and delivered to the Director of the Institutional Division of the Texas Department of Criminal Justice pending receipt of the Mandate from the Court of Criminal Appeals Sitting in Austin, Texas. The Defendant is hereby remanded to the custody of the Sheriff, until such time as the Sheriff can obey the directions of this sentence:

The Court finds that as of the date of sentencing, the defendant has been in custody on this charge for a period of N/A.

The Court thereupon fully advised the defendant that the Judgment of Conviction and Sentence of DEATH, is subject to Automatic Review.

SIGNED and ENTERED of Record this 9th day of September 2005.

Notice of Appeal: Automatic



MARIA TERESA HERR  
186TH DISTRICT COURT  
BEXAR COUNTY, TEXAS

Prepared by 9171





CERTIFIED COPY CERTIFICATE STATE OF TEXAS  
I, MARGARET G. MONTEMAYOR, BEXAR COUNTY DISTRICT  
CLERK, CERTIFY THAT THE FOREGOING IS A TRUE AND  
CORRECT COPY OF THE ORIGINAL RECORD AS INDICATED  
BY THE VOLUME, PAGE AND COURT ON SAID DOCUMENT.  
WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE THIS

JUL 17 2009

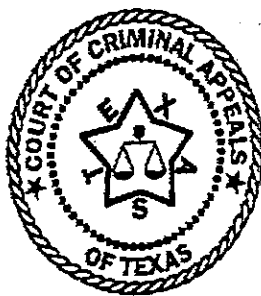
MARGARET G. MONTEMAYOR  
BEXAR COUNTY, TEXAS

By: [Signature] DEPUTY

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## **Exhibit 3**



**IN THE COURT OF CRIMINAL APPEALS  
OF TEXAS**

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No. AP-75,246

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**JUAN EDWARD CASTILLO, Appellant**

**v.**

**THE STATE OF TEXAS**

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**ON DIRECT APPEAL FROM  
CAUSE NO. 2004-CR-1461A IN THE  
186TH CRIMINAL DISTRICT COURT  
BEXAR COUNTY**

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***HOLCOMB, J., delivered the opinion of the unanimous Court.***

Appellant was convicted in August 2005 of capital murder. TEX. PENAL CODE § 19.03(a). Based on the jury's answers to the special issues set forth in Texas Code of Criminal Procedure Article 37.071, sections 2(b) and 2(e), the trial judge sentenced appellant to death. Art. 37.071 § 2(g).<sup>1</sup> Direct appeal to this Court is automatic. Art. 37.071 § 2(h).

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<sup>1</sup> Unless otherwise indicated, all references to articles refer to those in the Texas Code of Criminal Procedure.

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After reviewing appellant's four points of error, we find them to be without merit. Consequently, we affirm the trial court's judgment and sentence of death.

In his first point of error, appellant claims that the evidence is insufficient to corroborate the accomplice-witness testimony as required by Article 38.14. Article 38.14 provides:

A conviction cannot be had upon the testimony of an accomplice unless corroborated by other evidence tending to connect the defendant with the offense committed; and the corroboration is not sufficient if it merely shows the commission of the offense.

Under this rule, the reviewing court eliminates all of the accomplice testimony from consideration and then examines the remaining portions of the record to see if there is any evidence that tends to connect the accused with the commission of the crime. *Solomon v. State*, 49 S.W.3d 356, 361 (Tex. Crim. App. 2001). The corroborating evidence need not be sufficient by itself to establish guilt; there simply needs to be "other" evidence "tending to connect" the defendant to the offense. We have noted that "unlike extrajudicial confessions, testimony of an accomplice need be corroborated only as to facts 'tending to connect the defendant with the offense committed' and not as to the corpus delicti itself." *Gribble v. State*, 808 S.W.2d 65, 71 n.13 (Tex. Crim. App. 1990). And "[t]he non-accomplice evidence does not have to directly link appellant to the crime, nor does it alone have to establish his guilt beyond a reasonable doubt." *McDuff v. State*, 939 S.W.2d 607, 613 (Tex. Crim. App. 1997). There must simply be *some* non-accomplice evidence which *tends* to connect appellant to the commission of the offense alleged in the indictment. *Id.*

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Francisco Gonzales and Debra Espinosa were accomplice witnesses for the State. Both testified that they, appellant, and Teresa Quintana planned to rob the victim, Tommy Garcia, Jr. Pursuant to the plan, Espinosa called Garcia and made arrangements for him to pick her up and drive to Clamp Street, a secluded area, for sex. As Garcia and Espinosa were parked on Clamp Street, appellant and Gonzales came up behind the car, appellant smashed one of the windows with the butt of his gun, opened the car doors and demanded that Garcia hand over his money. Appellant had a loaded gun, and Gonzales had a gun as well, but it was "just for show" because it did not work. Gonzales and Espinosa both testified that appellant shot Garcia numerous times as he attempted to run. Appellant contends that without this testimony, the evidence does not "tend to connect" him to the offense. Following is a summary of the key non-accomplice testimony.

Several people testified that they saw Garcia wearing his gold medallion necklace on the night of the offense. The necklace was described as a "spinner" medallion on a thick gold chain. Jessica Cantu testified that she saw appellant wearing the necklace on the afternoon after the killing. She told appellant the necklace looked familiar. When Cantu saw appellant a little while later, he was no longer wearing the necklace. Cantu told Garcia's mother that she had seen appellant wearing Garcia's necklace.

Frank Russell and Robert Jimenez both testified that they were at Jimenez's house with Garcia in the late night and early morning hours of December 2 and 3, 2003, when Garcia received a phone call from Espinosa. Garcia agreed to meet Espinosa and offered to

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give Russell a ride home on the way. Jimenez testified that ten or fifteen minutes after Garcia and Russell left, he received a phone call from Espinosa who was crying hysterically and told him that someone had shot Garcia. Jimenez drove to Russell's and the two of them went to Clamp Street where Espinosa said the shooting had occurred. When they arrived, they saw Garcia's car with the doors open and Garcia lying face-down in the street. He appeared dead. They told police what they knew about Garcia's plans to meet Espinosa.

Gerardo Gutierrez testified that in March 2003, he was an inmate in the same area of the Bexar County Jail as appellant. Appellant told Gutierrez that he and two friends, Frank and Bitu, planned to rob a person, but "it turned out wrong" when the victim took off running and appellant shot him numerous times. Appellant told Gutierrez that the female accomplice, Bitu, was the one who had turned him in. He also said they would have a hard time convicting him because they did not have the weapon.

Lucinda Gonzales testified that she was the younger sister of Francisco ("Frank") Gonzales, one of the accomplice witnesses. At the time of the murder, Lucinda was living in the same house with Gonzales and his girlfriend Teresa ("Bitu") Quintana, among others. Lucinda testified that on the night of the offense, appellant called numerous times looking for Gonzales, and eventually came over with his girlfriend, Debra Espinosa. Appellant and Gonzales asked to borrow Lucinda's car, and she finally agreed to let Teresa drive it. Appellant, Gonzales, and Teresa left in Lucinda's car around 9:30 p.m. that evening. Espinosa left earlier in her own car. Teresa returned around 2:30 a.m., and she told Lucinda

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that Gonzales had been arrested on a child-support warrant. The following day, Lucinda saw a news report about Garcia's murder. A couple of days later, Gonzales was charged with Garcia's murder and arrested. Later that day, Lucinda covertly listened in on a phone conversation between Teresa and appellant. Lucinda described the exchange: "I heard Teresa say that, you know, what was going to happen to Frank [Gonzales]. And [appellant] said nothing, because he didn't do it, I did it, but they ain't going to know it because they ain't got any evidence. . . . He said that he – after the shooting, that he had ran through an open field and he discarded the – he had a mask, gloves, and the gun, and that he threw everything in the open field." Lucinda called the police and reported what she had heard. A few days later, Lucinda confronted appellant and called him a murderer. Appellant made a threatening gesture toward her and told her that Gonzales was going to stay locked up.

Bryan Anthony Brown testified that at the time of the offense he was fifteen and living in the same house with his aunt Lucinda, his uncle Frank Gonzales and Frank's girlfriend Teresa, and others. On the night of the offense, appellant and his girlfriend came over. Appellant had a gun and a bullet-proof vest. Appellant, his girlfriend, Gonzales, and Teresa all left in Lucinda's car. Brown found out the next day that Gonzales had been arrested. A couple of days later, Brown was riding in a car with appellant and Teresa when appellant said that he had to get out of town, that he had shot someone a bunch of times, and that he had hidden the gun and vest in a field.

The above non-accomplice testimony includes evidence that appellant was seen

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wearing the victim's necklace shortly after the murder, that appellant was seen with a gun and with the accomplices in the hours before the murder, that the victim made a plan just prior to his murder to meet one of the accomplices, that appellant told a fellow inmate that he and accomplices had planned a robbery, that appellant shot the victim multiple times when the victim attempted to run, that Lucinda overheard appellant admit to Teresa that he was responsible for shooting someone, and that Brown overheard a similar conversation between appellant and Teresa. This evidence is sufficient to "tend to connect" appellant with the murder and robbery. Art. 38.14. Point of error one is overruled.

In point of error two, appellant claims that the evidence is factually insufficient to support a finding that he robbed the victim or that he shot the victim. Evidence is factually insufficient when, although legally sufficient under a *Jackson v. Virginia*<sup>2</sup> analysis, the evidence is "so weak" that the verdict "seems clearly wrong or manifestly unjust," or the verdict is "against the great weight and preponderance of the evidence." *Watson v. State*, 204 S.W.3d 404, 414-15 & 417 (Tex. Crim. App. 2006).

Appellant refers to the testimony of Lucinda and Brown as "clearly unfairly biased, late in forthcoming, last hour rescuing, highly suspicious testimonies." He says that Lucinda and Brown "went into hiding" shortly after the offense and "conveniently surfaced" "in dubious support of" Gonzales's plea-bargain agreement. Appellant also suggests that Gutierrez was biased as the "ex-boyfriend of Francisco Gonzales's niece." Appellant points

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<sup>2</sup> 443 U.S. 307 (1979).

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to the testimony of defense witness Ralph Edward Pedrigone as evidence that Gonzales, not appellant, was the shooter. Pedrigone testified that he was an inmate in the same area of the jail with accomplice Gonzales and that after seeing a television news report about Garcia's murder, Gonzales stated, "[t]hat's the guy I killed. I mean they killed." Appellant also contends the evidence is insufficient to support the robbery element of the capital murder because the victim was found wearing five pieces of jewelry and had \$574 and a baggie of marijuana in his possession.

While appellant points to factors that might bear on some of the witnesses' credibility, he does not demonstrate that the evidence taken as a whole was factually insufficient to support the murder or the robbery elements. Accomplices Gonzales and Espinosa both testified that they planned the robbery of Garcia with appellant and that appellant shot Garcia numerous times. Their testimony was consistent with and corroborated by the non-accomplice evidence described above. The fact that Garcia had money and jewelry in his possession after the botched robbery does not mean that appellant did not murder him in the course of "committing *or attempting to* commit the offense of robbery" as charged in the indictment. *See* TEX. PENAL CODE § 19.03(a)(2) (emphasis added). And the fact that some of the witnesses had credibility issues is not enough to declare the evidence factually insufficient. Appellant was able to question their credibility on cross-examination, and the jury found them sufficiently credible. Appellant points to Pedrigone's testimony as evidence in his favor, but the testimony of this one witness does not amount to such "great weight" as



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to render the conviction “clearly wrong” or “manifestly unjust.” Moreover, even Pedrigone’s testimony does not exonerate appellant; it is subject to more than one interpretation and would still support a finding of party liability. Point of error two is overruled.

In point of error three, appellant claims that the death penalty is cruel and unusual punishment in violation of the Eighth Amendment. He contends that, under evolving standards of decency, the death penalty should be abolished, and he therefore seeks to have his death sentence commuted to life.

The death penalty does not violate the Eighth Amendment. *Threadgill v. State*, 146 S.W.3d 654, 672-73 (Tex. Crim. App. 2004)(citing *Jurek v. Texas*, 428 U.S. 262 (1976)). Appellant does not assert anything about the facts of his case that would render imposition of the death penalty unconstitutional as applied to him. *See Roper v. Simmons*, 543 U.S. 551 (2005); *Atkins v. Virginia*, 536 U.S. 304 (2002). Point of error three is overruled.

In point of error four, appellant claims that the trial court erred when it denied appellant’s pretrial motion objecting to the testimony of the two accomplices witnesses on the ground that their testimony would violate Rule 3.04 of the Texas State Bar Rules of Professional Conduct, and 18 U.S.C. §§ 201(b)(1)(A), 201(b)(3). Appellant contends that because Gonzales and Espinosa had entered into plea-bargain agreements under which they would receive forty-year sentences instead of the death penalty in exchange for their testimony against appellant, their testimony violated the federal anti-bribery statute and the state rules of professional conduct and should have been excluded.

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The vast majority of federal courts, including the Fifth Circuit, have rejected such claims about the federal anti-bribery statute. *United States v. Haese*, 162 F.3d 359, 366-68 (5<sup>th</sup> Cir. 1998)(concluding, consistent with cases cited therein, that “it is evident to this Court that Congress did not intend for section 201(c)(2) to be used when prosecutors offer lenity for a witness’ truthful testimony” and to “interpret section 201(c)(2) in any other way would apply shackles to the government in its pursuit to enforce the law”). We agree with the rationale of the Fifth Circuit and decline to follow the sole authority cited by appellant, *United States v. Singleton*, 144 F.3d 1343 (10<sup>th</sup> Cir. 1998), which was vacated by an *en banc* court on rehearing. *United States v. Singleton*, 165 F.3d 1297 (10<sup>th</sup> Cir. 1999)(*en banc*)(vacating panel opinion and affirming trial court’s denial of suppression motion).

Neither are we persuaded by appellant’s claim under the state disciplinary rules. Rule 3.04(b) provides that a lawyer shall not:

falsify evidence, counsel or assist a witness to testify falsely, or pay, offer to pay or acquiesce in the offer or payment of compensation to a witness or other entity contingent upon the content of the testimony of the witness or outcome of the case.

TEX. DISCIPLINARY R. PROF’L CONDUCT 3.04, *reprinted in* TEX. GOV’T CODE ANN., tit. 2, subtit. G app. A (TEX. STATE BAR R. art. X, § 9). Even if a plea bargain could be considered “payment of compensation” within the meaning of the rule, the plea bargain in this case was not contingent upon the content of the witness’s testimony but only upon its truthfulness.<sup>3</sup>

---

<sup>3</sup> See *United States v. Barnett*, 197 F.3d 138, 144-145 (5<sup>th</sup> Cir. 1999)(quoting *United* (continued...)

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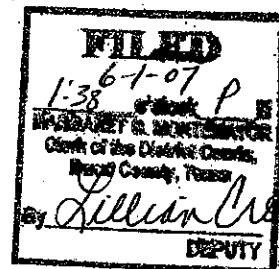
Appellant has not, therefore, demonstrated a violation of this rule. Moreover, a disciplinary rule violation is not a "violation of the law" for the purpose of excluding evidence under the state exclusionary rule, Article 38.23.<sup>4</sup> Point of error four is overruled.

The judgment of the trial court is affirmed.

Delivered May 2, 2007

Publish

A. de Copy  
Attest:  
Louise Pearson, Clerk  
Court of Criminal Appeals of Texas  
By: \_\_\_\_\_  
Deputy



<sup>3</sup>(...continued)

*States v. Cervantes-Pacheco*, 826 F.2d 310, 315 (5th Cir. 1987))("No practice is more ingrained in our criminal justice system than the practice of the government calling a witness who is an accessory to the crime for which the defendant is charged and having that witness testify under a plea bargain that promises him a reduced sentence. . . . [T]he compensated witness and the witness promised a reduced sentence are indistinguishable in principle and should be dealt with in the same way.").

<sup>4</sup> *Rocha v. State*, 16 S.W.3d 1, 14 (Tex.Crim.App. 2000); *Pannell v. State*, 666 S.W.2d 96, 98 (Tex.Crim.App. 1984).

## **Exhibit 4**

CROSS IDEAS

1. Francisco Gonzalez - bro. of Lucinda Gonzalez  
hus. of Teresa Quintero  
uncle of Bryan Brown

A. rep. for truthfulness of  
Lucinda Rubra Espinosa  
Teresa Quintero  
Lucinda Gonzalez  
Bryan Brown

✓ B. deal made deliver testimonies of L.G. + B.B.

C. Several statements:

✓ 1. excuse of warrants to explain  
running to a meeting officer  
J. Garza #275

✓ 2. to Det Timm Ansell #2395 on  
12-6-02, 1745 hrs, that you  
were robbed by 4 guys in a

car; hears gunshots later; denied involvement

✓ 3. Then "that fucking bitch, it was that whores idea to do it"; that you didn't know the other make very well; that "Juanito" just went crazy + shot the complainant; that "I don't need a lawyer, because I didn't shoot anybody"

✓ 3A. Statement to Ralph ~~Bohannon~~ <sup>Bohannon</sup> himself  
 A. South Side Killer  
 B. You didn't ~~kill~~ with a pistol.

✓ 4. debriefing on 5-3-05 with D.A., not signed, that D.E. calls set up the comp., that it was a planned robbery; that J.C. was to use gun (F.B. is much older than J.C.); that he was holding a .22 cal. pistol; that T.B. was in on the robbery (your own wife); arrived when D.E. was ~~asking~~ performing oral sex on comp.

D. AT PUNISHMENT:

✓ You knew a killing would occur and you went along with it— J.C. had told you that he was a seasoned killer. —on 5-3-05 to the D.A. you said, "Juan told me he killed somebody at a dopehouse by shooting him in the face"

✓ 5. unloaded .22 cal. pistol

## **Exhibit 5**

(2) Debra Espinosa - ~~girlfriend~~ friend of J.C., (body  
? tattoos)  
A. rep. for truthfulness  
Francisco Gonzales  
Teresa Quintero  
Lucinda Gonzales  
Bryan Brown

B. General Statements

1. Heard gunshots, but did not see who did shooting. Did not know either actor & would not be able to ID because they wore ski masks



②

2. a statement to your own sister, Dina Robles, denying knowledge + claiming victimhood
3. statement to your own mother denying knowledge + claiming to be victim.
4. exculpatory statement to John Medlick + his roommate George Gruber at [REDACTED]
5. tel. call to Robert Timoney + Frank Russell that Tommy Garza aka 'JR' had been shot
6. Talks Det Tim Angell on 12-4-03, 10:45 hrs. that you had never met Francisco Gonzales; then you said, "ok, it was him, he was there" but that you didn't know his last name; that the comp. was your "fucking friend" then tells Det. Tim Angell that Frank robs people; that Frank planned the robbery; that comp. was targeted because he sold drugs + had money; that you didn't know other actor; that you didn't know who fired the gun; and that you agreed to commit robbery

② 8. Third interview by Det T. Angell #2315 on 12-7-03, 1300 hrs. — continues to deny knowledge of Juan Castillo; then states that F.G. & J.C. have been planning on robbing somebody for 3 days; that J.C. was wearing blue latex gloves

C. What victim wearing  
no chain

## **Exhibit 6**

3. Teresa Quintero, wife of F.G.

A. Rep. for Truthfulness

Debra Espinoza

Luzinda Gonzales

Bryan Brown

Francisco Gonzales

B. Deal made

C. Several Statements

1. On 12-11-03 tells det that J.C., D.E., and F.G. left in a red car driven by D.E.; that F.G. calls her at 5:00 A.M. saying he'd been arrested for unpaid child support

2. 2nd statement to det. that you drove F.G. to house of D.E. early morning hours when shooting happened; heard robbery being planned; denies participation

(Det Angell on 12-11-03  
1400 hrs., can't find

A. car

B. Brian Brown)

3. 3rd statement on 8-30-05, 6:23 P.M. to 8:20 P.M.  
to Det Tim Angell that you didn't know robbery was being planned; did take F.G. & J.C. to robbery scene and left; then that D.E. set up victim; told to wait for F.G.; that J.C. is "not all there"



8-15-05, 10:00 A.M. - 12:15, has G.J. make for me.

disc. notes, DVD of T.G. on 8-30-05, 6:23:28 P.M. to det John Slaughter to 8:25:47 P.M.

gave 3 st.

1- 12-11-03, 2:00 P.M. (no involvement)

2- 12-11-03, 3:55 P.M. (present at planned robbery)

3- DVD, 8-30-05, 6:23 P.M.

to det. K. T. Angell (didn't know about planned robbery)

her friend or wife

D.E.  
F.G.  
J.C.  
T.G. then left 3.  
at D.E.'s house

3rd

- under warrant for agg robb.
- picked up J.C. at apt; not at scene
- she's off parole at last
- she's afraid of F.G., violent to her.
- at apt; when J.C. comes in to other C. Castillo's Apt.
- gives ride to J.C. who asked for ride.
- didn't know about planned robbery.
- J.C. changed clothes at apt; didn't see gun.
- can't remember blood; Men "I think he had blood on his arms"
- afraid of J.C. who met F.G. in jail.
- didn't hear gun shots
- did know about planned robbery; Then to pick up F.G.

BEXAR COUNTY  
TEXASCRIMINAL JUSTICE NOTIFICATION SYSTEM  
- WITNESS LIST -08/05/2005  
13:54:29

DPW: COURT TYPE: DC CASE NBR: 2004CR0216 CNOWSCI  
 DEFENDANT: FISCHER, ROBERT WALTER  
 COURT: D226 CASE NBR: 2004CR0216 LOCATION: BND SCC:  
 TRIAL DATE: 08/15/2005 TRIAL STATUS: C OTD:  
 A SFX O C TY LAST NAME FIRST NAME M BADGE# STA STS DTE  
 - 33 B S L AT&T WIRELESS ISS  
 - 34 A S L HASKETT HEDEL SVD 05-03-23  
 - 35 A S L STAFFORD JERALD NSV 05-05-10  
 - 35 B S L STAFFORD JERALD REC  
 - 36 A S L KRAEGER CHRIS NSV 05-03-21  
 - 37 A S L RODRIGUEZ LUIS NSV 05-03-21  
 - 38 A S L FELIX OMAR ISS  
 - 38 B S L FELIX OMAR ISS  
 - 39 A S PO FOX G 0536 SVD 05-03-16  
 - 40 A S PO MORALES F 0300 SVD 05-03-16  
 - 41 A S PO SIMPSON S 0539 NSV 05-03-16  
 - 42 A S PO EWING A 0532 SVD 05-03-16

Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10---PF11---PF12---  
 help retrn main flip bckwd frwr print quit

**BACK OF PRIOR PAGE**



- Did not know about robbery
- 7:16:53
- Did take F.G. & J.C. to robbery scene & then left.
- J.C. got ride to apt from scene from ex-neighbor friend. 7:26:08
- F.G. did not have a gun; F.G. told her that J.C. (called from jail) shot guy
- 7:37:30 - final version; D.E.
- Setting up victim; F.G. & T.Q. in front st.
- Drops off F.G. & J.C.; then told to go w.t. for F.G. (no mention of blood)
- goes to apt.
- denies picking up J.C.
- J.C. told Brian that J.C. had killed 6 people.
- F.G. told T.Q. that J.C. told F.G. about shooting guy in face & \$20 bill floating & landing on chest
- J.C. is not all there
- end 7:45:58 / then phone call / then different det. inv.
- 8:08:00
- 8:17:10 F.G. told her to pick him up at flea mkt.
- J.C. never told her he shot comp.
- 8:20:13

BEXAR COUNTY  
TEXASCRIMINAL JUSTICE NOTIFICATION SYSTEM  
- WITNESS LIST -08/05/2005  
13:54:24

DPW: COURT TYPE: DC CASE NBR: 2004CR0216 CNEWSCI  
 DEFENDANT: FISCHER, ROBERT WALTER  
 COURT: D226 CASE NBR: 2004CR0216 LOCATION: BND SCC:  
 TRIAL DATE: 08/15/2005 TRIAL STATUS: C OTD:  
 A SFX O C TY LAST NAME FIRST NAME M BADGE# STA STS DTE  
 - 26 A S L FLORES JOHNNY ISS  
 - 26 B S L FLORES JOHNNY ISS  
 - 27 A S L BIGGS GARY SVD 05-03-15  
 - 28 A S M LOVE EDARD SVD 05-03-15  
 - 29 A S L BRAESCHE APRIL ISS  
 - 29 B S L BRAESCHE APRIL ISS  
 - 30 A S L SMITH LINDSEY ISS  
 - 30 B S L SMITH LINDSEY ISS  
 - 31 A S L MARTINEZ MICHAEL SVD 05-03-15  
 - 32 A S CR VOICESTREAM WIRELESS ISS  
 - 32 B S CR VOICESTREAM WIRELESS ISS  
 - 33 A S L AT&T WIRELESS ISS

Enter-PF1---PF2---PF3---PF4---PF5---PF6---PF7---PF8---PF9---PF10---PF11---PF12---  
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**BACK OF PRIOR PAGE**

## **Exhibit 7**

4. Lucinda Gonzales, sister of FG.

A. Rep. for truthfulness

Francisco Gonzales

Debra Espinosa

Teresa Quintero

Bryan Brown

B. Hid car at [REDACTED]

C. Your mother, Matilda at your home on 12-2-03

D. Your two daughters at your home on 12-2-03

where  
grad?  
h.s.?

4. E. Agreed with T.Q. to lie about T.Q's whereabouts

F. Statements

1. Tells night CID by phone on 12-8-03 that her family had been contacted by Ivan Castillo and had been told where the gun was located that was involved in the murder

. Then you + your car disappear till May '2005

April, 1997  
'05

2. Q.A. Debriefing

3. Trial testimony threat to you by J.C. to Kill

G. Love your brother - do anything for him - especially to help him avoid the death penalty

. before you debriefed, you ~~debrief~~ came out of hiding & debriefed with F.G.'s atty.

H. of course F.G. told you soon after 12-3-03 what he had planned



## **Exhibit 8**

S. Bryan Brown

A. Rep. for Truthfulness

Francisco Gonzales

Debra Espinosa

Teresa Buntero

Lucinda Gonzales

why is it important to tell the truth in Ct.?

B. Overheard Juan Castillo say he had to get out of town fast, didn't notify police

L. G. yod is yodker

C. Sees Juan Castillo with 9 mm + vest on 12-2-03, didn't notify police

where were you from 12-2-03 to 5-2-05?

Waited till 5-2-05 to give statement

D. gang affiliation; TRV SK

Backwards Crack

Smoking Weed

Tokens

Looking at someone in Ct.?

Go to F.G.'s house office

Throwing Up Wicked Shit Crew

Car driven by from J.C.'s house

F. Discussed w Lucinda Gonzales ways to help your vreck, Francisco Gonzales, by putting blame on Juan Castillo



G. Love F.G.

## **Exhibit 9**



perforated pages

# 1 Subject Notebook

## 70 Sheets - College Ruled

10 1/2 x 8 in. (26.67 x 20.32cm)

Distributed By:  
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ITEM # 654813



**FRONT COVER**  
**PURPLE NOTEBOOK**



- accomplice witness 38.14, TCCP
- bargained testimony 19.02(d) TCC
- voluntary manslaughter; 12-20 yrs.
- automatic
- poss vs. prob (more likely than not)  
(not coin flip)
- credibility; police have more cred.?
- desire to serve
- presumption of 'def guilty?'  
(presume 'def guilty?')
- reasoned-moral response  
mercy
- failure to testify
- mitigating factors irrelevant
- lesser included felony murder  
one fel. + commit act + clearly  
dangerous to human life —  
5-99 life
- life boat scenario
- evolving stand. of dec.

7-15-05, 9:00-12:30, gen voir dine

9-67

10-56

11 号

12-40

7-26-05, 10:15-11:45 w/d. voir dire

1.00 - 4.15' #2 great on not liking

no phone # from del. R.R. being considered by D.A.

7-27-05, 8:45 - 12:15

#5 - seemed bad for st. - accepted #2  
- seemed reluctant to listen to st.

1:15-3:50

Agree

1-58

7-49

5-50

4-219

9-17

7-28-05, 10:30-12:15

#12 - very great, middle of rd.; independent

7:15 - 5:00

7. 35

8-39

*SPt*

#13 - great on acc. wit; smart; middle of rd.  
quick

#15 - ind, midd of rd, bright

T-m

2-F

2-11

4-11

5-11

0-1

7-15

5-11  
6-11

14-1

10-15  
11-17

*Roll*

8-2-02 8:00-12:00

#17 - good on 'everyone should get fair trial'; middle of rd.; good on credibility

1:00 - 5:00

8-3-05, 1:00 - 3:30 ; DE makes PB-425  
agg Cobb.

8-9-05 10:00 - 11:45

#27 0.00, will accept, bright, indep;  
good on acc wit.; good on prob.; not  
blood thirsty

1.00-4.45

14-11

B-1

W-111111

8-5-05, 8:15-12:00

#32 - good on acc. wit.; indep.;  
bright; very courteous to def.

#33 - bright; humorous; indep.;  
good on acc. wit.; "I could never  
kill anyone"

1:00 - 5:00

J.C. work give to # or ad. of mother.

8-9-05: Search warrant approved for  
Ralph Perdigone, impeachment  
wit. against F.G.

D.E. entered plea bargain  
yesterday

8:00 - 11:45

1:00 - 4:45

8-10-05 8:30 - 11:45  
1:00 - 4:00

49 - middle of rd. good on  
acc. wit.; likeable; ind.

8-11-05 1:00 - 4:30

def almost released by mistake; def  
does not take advantage & discloses  
situation; Bill & I agree not to  
tell D. Luman; def writes notes  
about this to me for argument's  
sake.

8-12-05 8:15 - 11:45 / 1:00 - 4:30

62 - ind., high edu., leader, strong  
on foil law; being reason-  
able in arg. sp. 12/5

8-22-05, 9:30-11:45  
meeting w/ Bill Harris

8-29-05, 8:00-5:45

Invoke Rvk; possible glitch on Perdigone

Debra Espinoza } re 104a not  
Teresa Gutierrez }

Rafael Perdigone } re due diligence

9-25 - Jim in, sworn, alternates inst,  
duty not to discuss,

9-26 - Lunar, opening

early wed. morn., 12-3-03  
invitation to fool around

19 yrs. old, known as J.R.  
said goodbye to buddies

D.E. - 26 yrs.

D.E. - new boyfriend, J.C. + had  
drug problem

12-2-03  
Plan by def. - D.E. - for robbery  
T.Q. -  
D.E.

J.R. at home of Robert Jimenez  
when D.E. calls

T.Q. to drop off F.G. + J.C.

D.E. - sexual contact w/ J.R.

J.C. pulls J.R. F.G. pulls D.E.

J.C. shoots J.R. who was running

J.C. + F.G. flee on foot

D.E. goes to home, then calls  
Robert Jimenez



- homeowner calls 9/11 & relays events
- Robert Jimenez arrives - live +
- cry to D.E.
- T.B. is getaway driver
- F.G. arrested after chase
- D.E. admits robbery plan w F.G. -
- not homicide
- didn't know J.C.
- Then F.G. admits robb. plan - not
- murder (J.C.'s idea)
- 4th interview of D.E. - knows J.C.
- her boyfriend (loved him - feared
- him)

10:01

- Bil) Harris opening
- agrees w right of evid.
- J.C. not connected
- 3rd party

L Rudy Luna  
L Ter. Busst

10:05

Direct, Mary Lou Garcia  
Rule broken

all  
step 4 on  
evening  
of 7/2/07

11:30 P.M.

12

wearing  
what  
every

jersey  
watch

ear ring  
necklace

spinner  
wheel -  
like on car  
gold



size of silver dollar  
owned 2 months prior

laying on  
box

chain gold  
silver

size of  
chain

no bits of  
chain  
under  
deceased's  
neck or  
head

never got cell phone  
+ keys back

nor medication

solid cord gold  
chain 1/2 size  
little finger 14k.  
gold clasp

10:27 Direct, JOHN MEDLICK.

9710 Clamp

last 10-12 yrs

in George Gruber at time

heard 5-7 shots; "I'm a veteran  
so I know"

Debra Espinoza's  
chain's  
victim

sher  
D.E.  
rings  
away

George & D.E. — looking at  
body

Then D.E. wanders  
off w no explanation

checked pulse

Another guy arrives; was 1st;  
best friend of victim

see D.E. do  
see him  
rifling  
pockets;  
remove  
necklace

D.E. — 25-30 yrs  
1/2 wt. 1/2 h.  
135-140 lbs

saw:  
George Espinoza  
Rebra to arrive  
& 1st guy

had  
gold  
chain  
around  
neck

11:10 Direct, George Kruber

heard gunshots; asleep  
heard girl screaming  
calls 911  
st. — 10 yds away

D.E. — "She needed to use the phone"

— "They robbed him, they shot him, they killed him"

They all go outside  
very dark

Kruber & D.E. go to guy.

see pool of blood  
face down

1st cops rolled over body

exposed vital signs

D.E. to Buchanan then  
rt on Buchanan (west)

pants down, exposed  
bracelet  
necklace  
wrist watch  
earring

empty car on other  
side

noticed another car

2 Hispanic males  
upset.

see  
them  
taking  
away  
body

known def.

wouldn't speak;  
left quickly

dozens of people  
showed up.

saw no jewelry

"I don't  
remember"

Sx9 taken  
long after  
you 1st

approached

if know

don't know  
who Sx9 took  
or when

11:40 DIRECT off Victor Gonzalez  
SAPD

sent by dispatch - shots fired

1st to arrive at scene, [REDACTED]

saw 2 friends at scene saying friends  
of deceased  
in green cadillac

deceased ? Chevy Camaro - victim  
in necktie

2 come out of house (George Grobert  
Medicks)

D.E. had to run because she had  
warrants.

2 friends  
at head of  
where  
you arrived  
bent over body  
close to body

where  
inventory  
of property?

where  
photo  
of deceased?

gave name of  
female  
D.E.

Higgenbotham brings  
D.E. back to scene

jewelry



12:05 - return to 1:30

1:30 - back in, def says man's location unk.;  
she's homeless; father is providing  
clothing; only assoc. with def since he's  
been locked up.

rep of  
D.E. in  
comm.  
which says  
she works  
and works  
for father

1:40 - pur in

- Direct, Sgt Matthew Podirka

SAPD

evd unit, crime scene, video,  
camera, etc.

photo log  
of gold  
bracelet

recovered

silver sq watch

gold nugget bracelet - turnst

small gold earring - fear

\$450 in " " - money  
\$1,240 " " - money  
small amt of mar.

Lunan told me that T.Q.  
told Huntzinger that  
def. told her during the  
ride that he killed JR  
because of the sex with  
D.E.

4:58  
where found m?  
car format  
on 3:05 - recess to 3:15  
3:25 - Direct, Frank  
Russell  
Zeyre.

where did  
J.R. keep towel  
his car door  
open  
rep'd  
D.E. truth  
smoking  
mari  
JR  
clothing  
describe  
chilling  
D.E. truth  
smoking  
mari  
JR  
clothing  
describe  
JR didn't get  
there till  
midnight from  
his mother's  
or was  
he there  
at 6:00 P.M.?

12-2-03, late  
+ early  
12-3-03  
playing  
Play Station  
(took game  
with him,  
JR did)

1st time saw  
JR. PM  
1:00 PM  
There  
stay lay?

J.R. gives him ride home

so you weren't there  
when D.E. called  
Robert Jimenez

got called by Rob

J.R. had been shot, we  
needed to go so well  
could help him

how did you know to go  
to [REDACTED]

(1st to arrive?) then saw neighbor  
who spoke about  
D.E. & warrants  
story

(J.R. cash,  
then Rob's  
house)

then police  
arrive  
(thick on  
finger)

(size of  
chair  
size of  
chair  
size of  
chair)



4:4.08 Direct, off. Dan Higgenbotham  
SAPD

(Gonzales tells you  
he's running  
because he had  
drugs & warrants — did he  
have  
drugs

(D.F. says he's  
fired 90  
shots)

4:25 off Jimmy Garza  
SAPD

... sees ind. going in or around  
... matched descrip given by Higgenbotham  
spoke to F.G.

↓ "there's been a shooting  
down the street, you  
need to go."

Gib performed

Gib  
refused  
to give  
to state

4:40 - Direct, LOUIS Tijerina

Crime scene unit, SAPD

evid tech

GSR Tester

video tape of crime scene

~~4A. back that  
bored find it take a  
under upper  
lower ways from  
bored no  
miss~~

med exam  
found wallet  
+ money  
(female)

5:20 - break

8-29-05, 8:00-

9:30 - 10:45 in  
- Direct, Ralph  
Looney

Luna says ex-inmate  
has come forward +  
will incriminate def who  
made admissions while  
his cell mate  
Def rejects plea notion  
7-7 + AK-47(30) +  
Cap 40 for plea

fingerprint, latent, examiner

Identify  
Rudy  
Luna

Known  
Source  
of Rudy  
Luna

Known  
Source  
of Frank  
Russell

7-7-3 had legible prints

where  
prints

req. comp. as to def.  
Frank Russell - Luna  
J.C. Francis Gonzales  
+ Debra Espinosa

possible to take prints  
from broken  
chain

you don't know  
what suspect

exterior driver's  
side door - 2nd  
print, negative

3rd - Rudy Luna  
ext. driver's side  
door

1st print - Frank  
Russell 5X110

9:56 - DIRECT, Rudy Luna

Saw him right he got  
Shot, 12-2-03

at K-Mart

gold (silver)  
chain watch  
gold watch  
silver bracelet  
silver earring  
silver

10:03 DIRECT, Reginald West

Constable, Prec 4, Dep.

area by flea mkt.

12-2-03, working there

Alfredo Valverde

"there's a mark  
over there"

mark on N side of  
prop. found.



20:15 - recess to 10:25

(Frank Russell told JDR don't go with D.E.)

Direct, Robert Finney

(You don't really remember a lot about 12-2, because 12-3, because you were married high on marij)

(rep of Frank Russell 2 1/2 yrs. in orange - tickets for being youthful)

(know? F.G. rep. for truth?)

(trust D.E.)

(expect prison for 4-5 yrs.)

(rep of D.E. for being youthful)

(when did you arrive at station? move a to play piano only control panel to make turns)

(this chair type of class)

(discuss your testimony with Frank Russell)

11:30  
12:00

(what does chilling mean?)

(Frank Russell checked vital signs)

(got blood on your hands)

(cop told you to drive through crime scene)

10:55 Direct, Det. Michael Garcia

- SAPD, evid unit since '91
- contacted 12-4-03 from
- Off. Montezuma

(found by  
M. J. M. 33  
2009-09-23)

another ski mask  
found.  
took photos;  
collected mask

11:07 Direct, Michael Martinez

senior forensic scientist  
for trace evid.

CSK Tester

Tested F.G. + his clothes

negative

no  
glasses,  
no foreign  
hair

(can't tell if  
on F.G.

no lead,  
antimony  
& barium  
removed

11:35 Direct, F.G. (in orange)

would be a simple robbery

"I only played a little role"

guns from Carlos' apt.

12:20 - recess to 1:45 P.M.

2:00 - Dxl - admitted re 2 pend. mis. on Rudy Luna

direct, cont'd

Black was claiming to be ill - wants out.

(J.C. wore blue latex gloves)

(arrived when D.E. was performing oral sex on camp. 1st trial testimony - gun mentioned)

Ralph told cell mates Jan 8, '04 or "That is the guy I killed" after T.V. news

(you wrote "side killer" above your head in jail)



3:00 Direct, James Ferrimore

observed older, 80s  
model, small square  
car turn around in  
drive way & drive off  
after shots.

see  
hood  
driver

lt blue or silver  
Pony or Datsun

short  
person

not identified  
driver  
T.O.

3:20 Direct, LUCINDA Gonzales

sister  
Francisco Gonzales now 33 yrs.

3:52 Direct, Det. Menefee

SAPD, night CID

nothing about  
2-6-10  
overhearing  
phone conversations &  
det. J.C. T.Q.  
fear of retaliation  
not of actual threats

4:00 - recess to 10:15 A.M.

8-25-05

7:50-8:30 jail  
visit - Redigone  
did not write  
statement, but  
will testify; warned  
about not getting  
credit

D.A. has ex-inmate  
Gerardo Gutierrez  
who will testify  
that def. made  
incubating admissions

10:50 - jury in

save till  
last

You are  
F.B.I. neice's  
boyfriend

in early you  
were moved  
with Juan  
Castillo from  
he was moved  
when F. Gonzalez  
moved in.

Did you hear state  
F. Gonzalez state  
in front of Ralph  
Redigone & others.  
after a t.v. news in  
that that's K'ing it  
that yellow showed it

- Direct, Gerardo Gutierrez

called  
Juan  
Castillo  
1975. Sit

you called  
yourself  
northside killer  
Jerry  
x 2010  
1 Ek

to make fund  
F.G. who called  
himself the killer  
Southside

planned to ob  
person in  
Frank +  
Rita

waited till  
news this  
mon. to  
come forward

(Work  
each other  
pendon)

give something  
back to tell  
society who  
is who  
killed

shot 4 times

female accomplice  
was snitch - Rita



11:30 DIRECT, Debra Espinosa

lover  
Jesse  
tattoo

Plan to F.G.  
just rob  
J.C. had  
loaded guns

break  
necklace  
performing  
on J.C.  
on J.C.  
J.C.

already  
stayed  
at J.C.'s  
home

took  
J.C. & car  
J.C. & phone  
left

Plan to rob  
J.C. of money

no discussion of  
shooting

J.C.'s gun  
broken

"my friend"  
but you agreed  
to rob your  
friend

J.C. did  
not approach  
J.C.

F.G. came  
around  
pulled chair  
off neck  
of J.C. while  
J.C. was  
still in  
car

"who shot SR"? — JC did (had to ear witness neighbor  
(by becoming agitated & loudly  
whispering) to sister  
her

Why not  
run to T.O.  
where  
was parked?  
Smarting  
love.

to have your  
to continue  
role as a  
victim

to com  
role as a  
victim  
right  
burst  
place  
before he J.C. who  
shot J.R. off  
was standing  
The only

Shirley was the only  
didn't call you + Jerry  
Police Robert + Jerry  
called

JC did ( tried to  
agree with  
neighbor

look  
ran to sister  
ied to her  
to let  
her

2112 to  
polkman  
to  
to

to  
the  
to

to  
at  
at

Wid at  
police sta

12:00 - mesa to 1:15  
1:15 - in ct

.402 - ~~overlooked~~  
Crawford (re phone calls from friend  
to apt of Carlos  
Castillo's apt.)

2 offer  
Saw  
Jays  
all had  
but he burned  
not here  
out

go by name  
Debbie Lopez

referred counsel  
identity of  
J.C. before homicide  
after

with J.C.  
when guys on  
back w  
funs



2.11 Direct, Bryan Brann

2.36 Direct, Jessica Cantu

Carlos Castillo apt - [REDACTED]  
 his friend - [REDACTED]  
 McCullom Trs.

knew J.R.; saw him 2 days  
 before shooting

visited Carlos Castillo, afterwards

Ortíz Flores  
 Charlie Brown  
 Joseph Ortiz  
 Juanito

cut-off shirt  
 necklace

looked like  
 J.R.'s necklace  
 long & gold  
 diamonds

she didn't  
 describe  
 necklace  
 as "spinner"

- facial hair / bald on top.
- JC goes to C. Cortillo's apt - but  
stays in van
- Carlos + Cortillo  
go to van

• Then police come looking  
for Juan (who had left  
in blue van)

• 9. mm seized,  
negative test

2:54 - McElroy to 9:15

JC won't tell me  
where his mother  
is

8-26-05, 8:00-

9:35 - in ct; obj to searching [redacted]

9:36 - jury in  
cross, ante

Dx 4 + Dx 5

9:45 - DIRECT, Det Chris Viera

evid unit, re search of [redacted]

JC not  
present

ski mask at flee mkt.

search April 20, 05  
re getaway veh.

route bkt  
cable  
bills  
tr. bills  
clothing  
job

luminol  
proc. on floor  
side

(didn't find  
keys or phone  
left behind)  
(car searched  
April 05)  
car hidden away

when car  
taken  
found

blood on crease of carpet  
10 ft seat passenger

terminal ss  
destroy  
the virus further  
making  
DNA  
infectible

11.10 - m.c.; (1) req. D.B. inv. to go to  
jail to look for South  
Side Killer, etc. graffiti  
— see note from J.C.

11:52 - <sup>camp in</sup>  
- Direct, off Mark Harris

re. Search of [REDACTED]  
Dec. '03. - signed

Looking for J.C.!

(did not  
present)  
(no of things or prop.  
(no of bills  
(no of utility

Alized cell  
phone.

11:22 Direct, off Tim Keller  
 SAPP, gang unit

12-10-03 - re [REDACTED]  
 1850 hrs - arrest warrant service  
 for J.C.

met Carlos Cartillo, Jessica Lante,  
 not J.C.

AK-47 + 75 drum  
 mac 11, 9 mm pistol  
 shotgun  
 bullet proof vest  
 various ammo

legat in residence

Carlos Cartillo claimed  
 ownership of all

location at [REDACTED], later  
 looking for J.C., 8:45 P.M.

met Eli Lante

J.C. present, arrested

no search

no weapons found



11-32 - Det Timon Angell  
was agent in chief

Lucinda  
Gonzales

Brian  
Brown

car  
neg. is appeared

never  
completely  
truthful to  
you folks

Francisco  
Debra Espinoza

no forensic or  
physical evid. Castillo  
linking Juan Romo  
to homicide

read all the statements  
& police reports  
in this case are  
because you are  
the chief agent

✓ 16 min's  
✓ 107 phone

car. I was where  
not found where  
in ski, walk where they  
found be F.G.  
should be you the truth  
was telling

told F.G. that his  
clothes had bits that  
of ghost - but that  
was not true

why did D.E.  
Pick told you  
never told he  
the gun bullets  
F.G. had him 3 state  
used took that he  
to admit that  
had a gun

Crawford &  
Walt

Vanda Gonzales  
didn't want  
to be thought  
of a coward  
confession (F.G.)  
nor her  
bro. either

Debra Espinoza  
said J.C. cut  
his hand  
photo

\*  
\*  
How can it be capital if  
no money was taken? — killer  
Ques. PAGE 33



U

took photo of hands of J.C.

12:05 - recs to 1:30

Def. went made decision  
on Test. firing.

1:15 - in ct.

who was a  
suspect in  
an opinion  
is of guilt

it is the province  
of the jury to  
decide guilt, not  
the executive branch  
of govt

fel-murd: argument

Read notes from F.G. + D.E.

int to  
rob, not  
to kill

no  
money  
taken

inference that  
S.C. abandoned  
the robbery  
when he saw  
the police  
and formed  
the intention to  
commit homicide  
murder during the  
course of a felony

inference that J.C.  
manipulated F.G.  
+ D.E. into thinking  
it was a robbery  
when in fact it  
was a murder

2:35 Direct, Ed Love

firearms + tool mark examiner

shells + cases —  
all fired from  
same gun

juror far at  
bottom chewing  
gum told me  
after lunch "don't  
go out there (2nd  
floor smoking ledge)  
it's still too hot"  
I said, "I can't  
talk to you" and  
kept walking.

3:00 — next to 3:10

3:15 — in ct

3:20 Direct, Lonnie Grisham

DNA guy  
no lab's DNA - inconclusive

PCR method of analysis -  
standard throughout  
world.

Carpet from car  
no blood

(  
Liminal  
effect  
on  
testing  
level of probability  
is exponential?  
"It's  
quite high"  
You said  
quite  
)

3:55 - Direct, Vincent D. D'Amico

(  
cut  
on  
lines  
of  
D'Amico  
Castillo  
)

autopsy - 12-5-03, 1:30  
forensic pathologist. P.M.

blight evid  
of guilt — Lucinda

4:30 st. nests

not judy arg. — denied  
chg conference  
del to st. Ties.

accomp mat of law:

- Debra Espinosa

- Francisco Gonzales

- Lucinda Gonzales

- Bryan Brown

conspiracy

as  
Ties

or as matter of fact

Ties fel. murder — prev. notes  
reg. chg.

murder — prev. notes

5:15 out

8-29-05, 10:15-11:15

- hearing on 14<sup>th</sup> juror - death in family
- excused by ct
- dep says he'll testify
- prepare final argument - 12:30 -



Perdigne  
reluctant  
to testify

8-30-05, 8:00

F.G. intimidated  
him

met 2009 ago or  
inst. recd

derived

admitted  
saying  
it

(no promises  
or threats  
to  
testify)

9:30 Direct, Ralph Perdigne

re: F.G.

9:51 defense rests

Direct, Mary Lou Baracca

was st's 1st witness

J.R.'s step mom

got call from J.R.'s grandmother  
Baracca

from J.R.'s cell  
phone

9:55 - st. rests  
- close/close

10:20 - chg. conf.  
- letters of murder given  
- def wishes to voluntarily  
absent himself  
- letters of fel. murder  
denied

10:30 - in cell, def promises to behave;  
if conv., he wants no  
cross of st's witnesses -  
and wants d.f.

11:16 - recess to 12:30

12:15 - in ct.

12:32 - judge in; def in

12:37 - jury in  
- chg. read



12:55 St's open; Tony Reyes

1:24 - Bill's closing

1:45 - me

2:03 - rebuttal, Lunan

2:26 - jury deliberates

6:20 - verdict buzzes

6:25 - jury in

- guilty cap murder; jury polled-unanimous

6:30 - recess to 9:15

8-31-05, 8:00 -

def wants  
death pen;  
no cross of  
wit; represent  
self

9:32 - judge in

ct orders that def can rep. self  
after admonishments & inquiries  
into knowledge & voluntariness

we're ordered to assist as stand  
by counsel

9:45 - jury in

9:46 - stg opening st.  
(def - no opening)

9:47 - Direct, Jessica Ramirez

23 yrs.

McLittom, Tejada schools

met def at Kingsborough m.s.

15 yrs old

dated 3 1/2 yrs

had child - chunky  
together

relationship changed

def was physically  
abusive

called cops 2 times,  
2 times no

[redacted], S.A. - home of def.  
(on aerial map)

with mom + dad

both still living

4-3-81 - def's d.o.b.

incident at [REDACTED]  
 11-1-81 (98)  
 refused part of son to  
 her 5 day old son

sister, Larra Ramirez,  
 comes

called police, tried;  
 def took cell

def threatens sister with  
 rifle, who was 8 mos  
 preg w twins

shoots gun in house

def leaves; police arrive;  
 she leaves w son & sister

re-united w def later

11-23-81 (98)

another argument at [REDACTED]

trying to leave w son to  
 Garmin's house

def takes her back  
 inside

beating her says  
 def's mother

reunited again

June 99 incident

to Calif. spur of moment  
to start over

middle of night

w/ def's father

afraid of def - kidnapping

didn't call her  
mom

def on prob - violation

except to visit sister

in Ariz.

Redville, Calif.

called home 1 1/2

months later

after more

abuse

... tied her up

put yamper

in her mouth

def. had been

in fact 2 fol by

kissing another

2nd  
time

happened sev. times

7-29-99 approx.

was stuck

in hand sev.

times.

Threatened her life twice  
if she would leave

- def carried gun - many times
- day of child's birth in hosp.
- handgun
- no explanation
- no gun in Calif.

• tells def's grandmother that she wants to go home, she calls cops

• moves to Hous

• some visitation w. son; def bought son's clothes & other needs

• visited him in jail in past & now  
def wanted her to lie for him

• she's afraid

• def's mom, June, helps def kidnap witness by lying to wit's mom

• def - no Calif job  
- Eric-mank clk job in S.A.

• Phil Lopez Incident  
friend of hers

• her family used Heidi Search Center



10:15 - recess for 10

10:25 - in ct.

10:40 - ct. presents written waiver  
of ct. to counsel  
def signs

2 explain Dr.  
Ferrell's contribution  
at sent. to  
def - also  
sheet records

10:42 - ct. informs jury & admonishes  
that they can't consider  
no obj. def.

10:44 - no questions, released

10:45 - Direct, LAURA RAMIREZ  
St 162 - cert. cop. judg.  
St 162 - " "  
no obj.  
admitted

Nov 98 - incident

birth of nephew, chucky  
(as before)

she was pregnant

def orders her stays

def gets rifle, pts at her  
she's holding chucky

June grabs gun

sister hits gun up; shot  
into ceiling

def runs out



Father's day 99 - incident

sister goes to def.

next day sister & def. gone

June states

def + Jessica had left  
asked police help; Heidi search

10.52 - no quest. wit. excused

Direct, Philip Lopez

31 yrs.

Sept 15 '00 - incident

driving car going home 35 N.

car following; recog. driver

gun pointed at him; kid in

def's car; + female

he smiles; gets shot at;

recognized def. (4 yrs.)

guessed it was 9 mm. pistol

10's def.; knew as man

3-4 shots; rapid; into

passenger seat

got license #; called cops

did positive photo line-up

photos

5x164 -

5x165 -

5x166 -

5x167 -

168

169

170

171

172

chr  
(unexamined)

prior confrontation much earlier:  
 - accused of throwing cig.  
 at def's nephew; threats  
 to smash car w bat; said  
 he had gun.  
 w def - Emily

prior confrontation:  
 - tattoo comp. i after threat  
 def hits car w fists

3X173  
 Cent copy  
 100g  
 no obj

11.10 - no gun, accused  
 - Direct, Charles Hunt  
 SARD, off; 18 yrs.

2-2-48 incident

some disturbance  
 Bakker + Marconi, cops  
 bring suspects - 3  
 he 12

3X174 cent copy ✓  
 100g  
 O.A. AP - def  
 tattoo - "Jessica"  
 abnorm. - "50"  
 - was pr.  
 - arrested for  
 knife +  
 Lockscrew +  
 wt. powder +  
 (empty) 19 sm. bgs.

10:58 no cross

DIRECT, Debra Espirose

- met 10-31-03 - def.
- Def talked about robbing people for a living
- ... Tim + Frank chose methheads coming home from bars.
- def just out of jail within months
- def - said he'd rather be institutionalized
- she was add. to meth - for 9 yrs.
- ... was prostit. - to pay for meth.
- she planned him in robbery in St; she was to distract owner w sex
- ... no robbery - she got scared
- def didn't want to get caught
- ... one wk before cap. murder
- def got mad; broke up w her;
- "you're not fucking down, etc."
- 2nd time
- 1st time - she get away while Fle + JC.
- cooked I-stop, inside job w girl;
- vents, bullet proof
- guns
- she backs out again
- goal - lot of money
- job w Carlos Castillo also
- ski masks transferred

5X175 photo Carlos' car ✓✓  
 used in I-Hop  
 robbery; driver  
 Carlos (no obs)

def was going to do it (risky) he  
 didn't give a fuck; would be  
 bigger than fucking around  
 with these morales

def didn't do drugs; only sober  
 one among his friends

I-Hop - not done; discussed  
 afterwards at Carlos' apt

3rd Plan - at Carlos' home  
 plan to drive around to  
 find victim  
 she backed out  
 def got mad

4th Plan  
 to Burg house; house  
 invasion; def + 2 others;  
 tied them up; victims  
 were drug dealers; stabbed  
 them for no reason  
 got weed + money



## GAS STATION INCIDENT

- sale of mar. offer
- Gilbert w them
- guy runs; Juan + Gilbert beat seller
- def's youngest in car, 2 yrs. old
- def. said - said son needed to see this

def wanted capital to sell drugs  
 def lived at mom's house or Carlos's apt.  
 or at motels or D.E.'s friends  
 def didn't sleep

def admitted gun dogs; expt 1st wife;  
 robberies  
 bragged how he beat every  
 single case  
 still carried gun  
 parole

def drove uncontrollably  
 ran stop signs + red lights  
 "fuck stop signs"  
 "I don't know how we're  
 still alive today"

agreed with cap case - was scared  
 of def.  
 cap case was the worst

11:46 no crowd, access to 1:15 P.M.

1:32 Def wants to keep rep.  
self.)

1:34 - Judge in  
- Jury in  
- Direct, Priscilla Castillo

26 yrs.

ex w. of def.

met March '00 or Jan '00

at friend's house

became lovers in 2 mos

Def goes to jail April - July '00

resume relat.

2 kids

Jacob - 9

Father - Henry

Reina

sep. '99

has custody

Julian -

12-11-01

Father - Def.

married March '02

jail May '01 to April '02

Def in jail

Then Def lives w. mom

she's living w. her mom

Then she moves on w. Def / w kids

June 29 '02 - INCIDENT

arrested w. sister + Def

forgery; ck

cks from Eddie

stolen from car

used sis. Crystal, who had

acct w bank

Def knew



- attempt to negotiate; arrest
- no sentence for def.
- was arrested 2 days later

- never saw def w bullet proof vest — knew he had one.

5x 176 — photo of ✓ <sup>shorty</sup> Robert  
 visited Juan & Jacob & man

• she was angry upon seeing photo

- 7-2-02 date on photo

• kid — 6 yrs old

• tattoo — left shoulder — electric chair (obtained between April — July '02)

- saw def carrying gun
- Mer. Side — owned by father

tattoo on left arm — portrait of Chucky

helped buy bullet proof vests.

• def arrested 7-20-02 for guns + vests

1:55 (female juror sleeping)

MTR out 03 granted again. Her's def out at that time since Sept 03

Continued to visit def w son

2:00 — no cross, excused

John  
Direct, Off. Coronas

SAPD, 9 1/2 yrs, patrol.

Incident - 7-20-02

arrest for sex + firearms  
 (fel case)

Forest St. + Nogales

Mer Sable int. 4 dr

driven by def. who had  
 warrant; alone in car

2:05 (same arrested  
 (100% nodding))

inventory of car - 2

seats + airbags in truck

40 cal. handgun

20 mds.

spent shell casing in

ft. seat window

outside left

pistol in rear seat

9 mm, Jennings

2nd firearm found

pistol, 40 cal.

guns loaded + chambered

2:13 no LOAN, exited

Direct, Monica Garza (nee Alonzo)

evid tech

SAPD, 5 1/2 yrs.

re 7-20-02 incident above

2:15 - (same juror holding)

2:20. Rep asks to keep St. 404 (b), 37.07, notice  
I agree.

St 177 - 9mm gun

St

St

St

and  
sized

St 167 - 9mm gun

St 201 - sports medallions

not  
offered  
(201)

back  
to Pol. Dept

3:00 - no call

- Direct, Henry Beria

2.7.14. 5 kids

son - Jacob Beria 9 yrs  
who lives w his  
mom, Priscilla who  
is married to J.

he now has custody  
since '04

- born deaf. has  
cochlear implant

105 9x176

(witness crying)

3:13 - no cross

- DIRECT, Francisco Gonzalez

2 robberies - turn of dof - drinks

dof always had 9 mm or Glock

had drug habit

never robbed till met dof

was present at 7-20-02 Incident

as I stop plan - inside job - for 10-15k

1 mo before cap case

dof admitted

stabbing in Puerto Caponte

shopping at car

shooting drug dealer

3:30 - no cross

- DIRECT, Manuel Alvarez

sheriff custodian - prints

records of time in jail by dof

3:40 - break for 6 min.

3:47 - exhibits admitted re  
booking dates



Ex 202      rail records      on

✓      ✓      ✓

Ex 217      ✓      ✓

218 - fed pdy      ✓      ✓

4:00 - no cross  
- st. rests

4:15 - rest fill 10:45

9-1-05 8:00

11:08 - judge in  
- no def. evid.

11:10 - def rests  
- close/close  
- rec'd to 12:30

chp. conf.  
no chp by def to chp.

12:00 - in ct

12:30 - Ferrell - staff error in message  
recording  
- on stand by

Jack Ferrell  
no show

def still desires  
to rep self  
despite mt +  
Bill's warning

Jack Ferrell is  
North of Austin -  
2 hrs arrival -  
1:30 P.M.





## FOR. Argument

✓ son cared for

✓ employed at Eri-Mat in S.A.

✓ told D.E. that he preferred to be taken up

✓ def. didn't do drugs; tried to help D.E. stop drugs

✓ good to D.E.'s kids

✓ inference - def. was taught how to be anti-social (from gas station incident)

✓ Priscilla Castillo + son continue to visit J.C. as of last wk at jail

✓ no confrontations with def. in dealing with transfer of child, Jacob Reina

✓ many times in jail for "freeworld" offenses — no jail society offenses

9:00-12:30 — 3.5  
 10:15-11:45 — 1.5  
 1:00-4:15 — 3.25  
 4:45-12:15 — 3.5  
 1:15-3:30 — 2.25  
 10:30-12:15 — 1.75  
 1:15-5:00 — 3.75  
 8:00-12:00 — 4.00  
 1:00-5:00 — 4.00  
 1:00-3:30 — 2.5  
 10:00-11:45 — 1.75  
 1:00-4:45 — 3.75  
 4:15-12:00 — 3.75  
 1:00-5:00 — 4.00  
 8:00-11:45 — 3.75  
 1:00-4:45 — 3.75  
 8:30-11:45 — 3.25  
 1:00-4:00 — 3.00  
 1:00-5:00 — 4.00  
 8:15-11:45 — 3.5  
 1:00 —

INSIDE BACK COVER

## **Exhibit 10**

### PERSONAL INFORMATION

1. NAME AND MAILING ADDRESS (Number)		PERSONAL INFORMATION (State) (Zip)	
1717 W 12th St [Redacted]		[Redacted] 78212	
2. SOCIAL SECURITY NUMBER		3. TELEPHONE NUMBER	
[Redacted]		[Redacted]	
5. DISTRICT COURT		6. PERSON REPRESENTED AND SID	
18612		JAMES LESTER BATTLE JR	
8. OFFENSE(S) CHARGED: CAPITAL FELONY MURDER		7. CAUSE NO(S): 2004-CH-1464-17	
10. PROCEEDING AND DISPOSITION (DESCRIBE BRIEFLY): HEALTH SENTENCE ON 9-1-05		9. OFFENSE DATE: 12-3-03	
CLAIM FOR SERVICES AND EXPENSES			
11. Payment Category <input type="checkbox"/> Capital <input type="checkbox"/> Second Degree <input type="checkbox"/> 11.071 DF With <input type="checkbox"/> First Degree <input type="checkbox"/> Third Degree, SJF		12. Person Represented <input type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Appellee	
IN COURT APPEARANCE		NUMBER OF HOURS	HOURLY RATE/FLAT FEE
C. Appearance (D. Jail, Routine Appearance) E. Subsequent Hearing (Pre Trial Hearing, MTRP - Testimony taken)			575
Trial		1.0	125.00
Flat Fees for Fees		141.30 - Trial	16,300.00
Flat Fees for MTRP's		n/a	225.00
First Fees for MTRP's		n/a	
OUT OF COURT SERVICES		NUMBER OF HOURS	HOURLY RATE
Initial Jail Visit (one time only payment)		n/a	\$100 (FLAT FEE)
Not to exceed Capital - 100 hr Other felonies - 30 hr Without prior court approval		45.75	3,660.00
OTHER			
A. and PDRA Not to exceed Capital - \$15,000 Other felonies - \$6,500			
Investigator fees. Attach a copy of order approving appointment. Need prior approval to exceed the following maximum: Capital - \$1500.00 1 <sup>st</sup> - \$750 2 <sup>nd</sup> - \$500 3 <sup>rd</sup> SJF - \$300			

1. I, [Name], Attorney at Law, swear that having been duly appointed, I personally represented the above-named defendant and that the foregoing facts are true and correct. I further swear or affirm that I have not received nor will receive any money or anything else of value for representing the accused, except as approved by the Court in writing.

16<sup>th</sup> day of Sept., 2005.

2005

APPROVED in the total amount of \$ 16310.00

### Comments:

<sup>a</sup> In the event of a dispute this voucher may be submitted to a peer review committee for resolution.

### Judge Presiding

**Attorney Signature**

**Chief/Coordinators of the Court**

### Judge Presiding

STATE OF TEXAS

185<sup>th</sup> DISTRICT COURT

COUNTY OF BEXAR

APPOINTMENT OF ATTORNEY

The court in accordance with Article 26.04 Code of Criminal Procedure, as amended hereby appoints: Vincent D. Callahan, attorney, to represent Juan Castillo, defendant, in cause number(s) MC 927854.

Such representation to continue until charges are dismissed, the defendant is acquitted, appeals are exhausted, or until relieved by the court or replaced by other counsel.

Performance of duties under this order of appointment will result in submission of your claim for payment by submitting a payment voucher for court approval.

Notified of appointment on the 11<sup>th</sup> day of Dec, 2003.

Signed this 11<sup>th</sup> day of Dec, 2003.

Francis T. Hernandez  
Judge





**ATTORNEY NAME**

CAUSE NO.

V.O. Galkin

[illegible]

**Note: Voucher should be itemized on 1/4 of an hour basis.**

9.25 32.25

PAGE TOTAL HOURS 46.50

GRAND TOTAL HOURS

## OUT OF COURT HOURLY WORKSHEET

ATTORNEY NAME

CAUSE NO.

*Wesley D. Walker*  
 2007-CR-146179

Date	Brief Description of Services	Interviews and Conferences	Obtaining and Reviewing Records	Legal Research and Brief Writing	Investigative and Other Work
4-20-05	Conf. D. Walker	1.50			
5-2	Letter to client	1.25			
5-6	Letters to defendant	1.50			
5-13	"	1.50			
5-20	"	1.50			
6-10	Letter to co mother	1.25			
6-13	Draft to file for trial			4.0	
7-5	Conf. co-counsel	12.0			
7-8	Letter to client	1.25			
7-15	Conf. co-counsel	12.0			
7-20	Pub. conf.		3.0		
7-25	Draft to file for trial			5.0	
8-29	Letter to co sister	1.25			
8-2	Her Question. conf.				
	co-counsel	.75	.75		
8-3	"	.75	.75		
8-4	"	.75	.75		
8-5	"	.75	.75		
8-9	"	.75	.75		

Note: Voucher should be itemized on 1/4 of an hour basis.

10.50

16.75

PAGE TOTAL HOURS

24.25

GRAND TOTAL HOURS

19.5  
 26.25  
 45.75

**GRAND TOTAL HOURS:**

## **Exhibit 11**

## ATTORNEY'S FEES EXPENSE CLAIM FORM - DISTRICT COURT, BEXAR COUNTY REV'D 09/04

## PERSONAL INFORMATION

1. NAME AND MAILING ADDRESS (Number)

(Street)

(City)

(State)

(Zip)

2. SOCIAL SECURITY NUMBER

4. STATE BAR NUMBER

3. DISTRICT COURT

6. PERSON REPRESENTED AND SID

7. CAUSE NO(S)

8. OFFENSE(S) CHARGED

9. OFFENSE DATE

10. PROCEEDING AND DISPOSITION (DESCRIBE BRIEFLY)

## CLAIM FOR SERVICES AND EXPENSES

11. Payment Category

☐ Capital☐ First Degree☐ Second Degree☐ Third Degree, SJF☐ 11.071 DF WHI☐ Person Represented☐ Adult Defendant☐ Appellate

## IN COURT APPEARANCE

## NUMBER OF HOURS

## HOURLY RATE/PLAT FEE

## AMOUNT

Court Appearance

(Docket call, Routine Appearance)

Ex-Parte Hearing

(Pre Trial Hearing, MTRP - Testimony taken)

Total

Flat Fee for Fees

Flat Fee for MTRP

OUT OF COURT SERVICES

Initial Jail Visit (one time only payment)

Not to exceed

Capital - 100 hrs

Other felonies - 30 hrs

Without prior court approval

OTHER

Appeals and PDRA

Not to exceed

Capital - \$15,000

Other felonies - \$6,500

Investigator fees. Attach a copy of order approving appointment. Need prior approval to exceed the following maximum:

Capital - \$1500.00

1° - \$750

2° - \$500

3° SJF - \$300

TOTAL \$ 226,310.00

I, Robert D. Williams, Attorney at Law, swear that having been duly appointed, I personally represented the above-named defendant and that the foregoing facts are true and correct. I further swear or affirm that I have not received nor will receive any money or anything else of value for representing the accused, except as approved by the Court in writing.

SWORN AND SUBSCRIBED before me, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

APPROVED in the total amount of \$ \_\_\_\_\_

Comment: \_\_\_\_\_

Judge Presiding

Clerk/Coordinator of the Court

Attorney Signature

9-6-05

In the event of a dispute this voucher may be submitted to a peer review committee for resolution.





**GRAND TOTAL HOURS**

## OUT OF COURT HOURLY WORKSHEET

ATTORNEY NAME

CAUSE NO.

*Vincent D. Lefebvre*  
 2004-CR-146177

Date	Brief Description of Services	Interviews and Conferences	Obtaining and Reviewing Records	Legal Research and Brief Writing	Investigative and Other Work
4-20-05	Conf. D. Lefebvre	.50			
5-2	Letter to client	.25			
5-6	Letters to system client	.50			
5-13	"	.50			
5-20	"	.50			
6-10	Letter to ex mother	.25			
6-13	Prothonotary Trial Met.			4.0	
7-5	Conf. co-counsel	2.0			
7-8	Letter to client	.25			
7-15	Conf. co-counsel	2.0			
7-20	Disc. conf.		3.0		
7-25	Prothonotary Trial Met.			5.0	
8-29	Letter to ex sister	.25			
8-2	Mer. Question. conf.	.75	.75		
	co-counsel	.75	.75		
8-3	"	.75	.75		
8-4	"	.75	.75		
8-5	"	.75	.75		
8-9	"	.75	.75		
Note: Voucher should be itemized on 1/4 of an hour basis.		10.50	6.75	9.0	
				PAGE TOTAL HOURS	26.25
				GRAND TOTAL HOURS	

**GRAND TOTAL HOURS**

STATE OF TEXAS

186<sup>th</sup> DISTRICT COURT

COUNTY OF BEXAR

APPOINTMENT OF ATTORNEY

The court in accordance with Article 26.04 Code of Criminal Procedure, as amended hereby appoints: Vincent D. Callahan, attorney, to represent: Juan Castillo, defendant, in cause number(s) MC 927854.

Such representation to continue until charges are dismissed, the defendant is acquitted, appeals are exhausted, or until relieved by the court or replaced by other counsel.

Performance of duties under this order of appointment will result in submission of your claim for payment by submitting a payment voucher for court approval.

Notified of appointment on the 11<sup>th</sup> day of Dec, 2003.

Signed this 11<sup>th</sup> day of Dec, 2003.

Francis T. Hernandez  
Judge

## **Exhibit 12**

## ATTORNEY'S FEES EXPENSE CLAIM FORM - DISTRICT COURT, BEXAR COUNTY REV'D 09/04

## PERSONAL INFORMATION

1. NAME AND MAILING ADDRESS

Michael A. Callender

(Street)

(City)

(State)

(Zip)

2. SOCIAL SECURITY NUMBER

3. TELEPHONE NUMBER

4. STATE BAR NUMBER

5. DISTRICT COURT

6. PERSON REPRESENTED AND SID

7. CAUSE NO(S)

8. OFFENSE(S) CHARGED:

9. OFFENSE DATE:

10. PROCEEDING AND DISPOSITION (DESCRIBE BRIEFLY):

## CLAIM FOR SERVICES AND EXPENSES

11. Payment Category

Capital

First Degree

Second Degree

Third Degree, SJF

DP With

Person Represented

Adult Defendant

Appellant

## IN COURT APPEARANCE

## NUMBER OF HOURS

## HOURLY RATE/FLAT FEE

## AMOUNT

Court Appearance

Docket call, Routine Appearance(s)

Evidentiary Hearing (Pre Trial Hearing, MTRP - Testimony taken)

Trial

Flat Fees for Pleas

Flat Fees for MTR's

## OUT OF COURT SERVICES

## NUMBER OF HOURS

## HOURLY RATE

## AMOUNT

Initial Jail Visit (one time only payment)

Not to exceed:

Capital - 100 hrs

Other Felonies - 30 hrs

Without prior court approval

OTHER

Appeals and PDRA

Not to exceed:

Capital - \$15,000

Other Felonies - \$6,500

Investigator fees. Attach a copy of order approving appointment. Need prior approval to exceed the following maximums:

Capital - \$1500.00

1<sup>st</sup> - \$7502<sup>nd</sup> - \$5003<sup>rd</sup> SJF - \$300

## CERTIFICATION

I, Michael A. Callender, Attorney at Law, swear that having been duly appointed, I personally represented the above-named defendant and that the foregoing facts are true and correct. I further swear that I have not received nor will receive any money or anything of value for representing the accused, except as approved by the Court in writing.SWORN AND SUBSCRIBED before me, this the 2nd day of May, 2005.APPROVED in the total amount of \$ 36025.00Comments: Interim Verdict Approved. paid.

Attorney Signature

Clerk/Coordinating of the Court

Judge Presiding

In the event of a dispute this voucher may be submitted to a peer review committee for resolution.



STATE OF TEXAS

186<sup>th</sup> DISTRICT COURT

COUNTY OF BEXAR

APPOINTMENT OF ATTORNEY

The court in accordance with Article 26.04 Code of Criminal Procedure, as amended hereby appoints: Vincent D. Callahan, attorney, to represent Juan Castillo, defendant, in cause number(s) MC 927854.

Such representation to continue until charges are dismissed; the defendant is acquitted, appeals are exhausted, or until relieved by the court or replaced by other counsel.

Performance of duties under this order of appointment will result in submission of your claim for payment by submitting a payment voucher for court approval.

Notified of appointment on the 11<sup>th</sup> day of Dec, 2003.

Signed this 11<sup>th</sup> day of Dec, 2003.

Francis Turner  
Judge

## OUT OF COURT HOURLY WORKSHEET

ATTORNEY NAME

Vincent D. K. Johnson

CAUSE NO.

2004-CR-1461-A

Date	Brief Description of Services	Interviews and Conferences	Obtaining and Reviewing Records	Legal Research and Brief Writing	Investigative and Other Work
12-11-03	Letter to client	.25			
12-12-03	Conf. R. Spiegel	.25			
12-15-03	Jail Visit	.25			
1-19-04	Letter to client	.25			
1-6-04	Shocket Call 1417m	1.0	(In court)		
1-9-04	Letter to client	.25			
2-2-04	Letter to client	.25			
2-17-04	Conf. R. Fischer				
	R. Spiegel	.50			
2-20-04	Letter to client	.25			
2-17-04	memo to C. Ramsey				
	Exp. + to client	.50			
2-26-04	Letter to client	.25			
3-4-04	Letter from + to client	.50			
3-5-04	Shatt's Pike Motel				
	Mental Health Expert			1.0	

Note: Voucher should be itemized on 1/4 of an hour basis.

6 3/4

PAGE TOTAL HOURS

7 3/4

GRAND TOTAL HOURS

①

## OUT OF COURT HOURLY WORKSHEET

ATTORNEY NAME

Vernon A. Johnson  
2004-CR-146177

CAUSE NO.

Date	Brief Description of Services	Interviews and Conferences	Obtaining and Reviewing Records	Legal Research and Brief Writing	Investigative and Other Work
3-9-04	Discovery; In. gone		12.0		12.0
3-12-04	Letters from + to client	1.75			
3-27-04	Conf. 3/30/04 & 4/1/04	1.25			
3-29-04	Packet Call 1366 to	11.0	(IN Court)		
4-16-04	Letters from + to client	1.50			
4-23-04	conf. + letter to M.T.				
	Continued: \$300.00				
	Letter to				
	Client	12.25			
6-7-04	Letters from + to client	1.50			
6-11-04	Letters from + to client				
	Letter to D. Loran	1.75			
6-16-04	Letters from + to client	1.50			
6-24-04	Letters from + to client				
	Letter to D. Loran	1.50			
7-30-04	Letter to client. Tel. msg.	1.25			

Note: Voucher should be itemized on 114 of an hour basis.

11/01/04, 11/02/04, 11/03/04

PAGE TOTAL HOURS

11.74

GRAND TOTAL HOURS

11.74

## OUT OF COURT HOURLY WORKSHEET

ATTORNEY NAME

Wendell A. Walker

CAUSE NO.

2004-CH-1461-A

Date	Brief Description of Services	Interviews and Conferences	Obtaining and Reviewing Records	Legal Research and Brief Writing	Investigative and Other Work
8-13-04	Letters from & to client	1.50			
8-27-04	"	1.50			
9-10-04	PT conf. w. Dr. Jack Ferrell	1.25			
9-16-04	Letter to J. Ferrell	1.50			
9-24-04	Gen. Forensic Test Results				
9-22-04	Letter to Mr. T. Caldwell;				
	Letters from & to client	1.75			
10-1-04	Letter to J. Ferrell	1.25			
10-28-04	Letter to Mr. T. Caldwell	1.25			
11-16-04	2nd Forensic; Mr. Ferrell		2.5		2.5
11-18-04	Letter to client	1.25			
12-3-04	Letters from & to client	1.50			
12-7-04	"	1.50			

Note: Voucher should be itemized on 1/4 of an hour basis.

PAGE TOTAL HOURS

9 1/4

GRAND TOTAL HOURS

13

## OUT OF COURT HOURLY WORKSHEET

ATTORNEY NAME

Vincent A. DeWitt

CAUSE NO.

2004-CA-1461-19

Date	Brief Description of Services	Interviews and Conferences	Obtaining and Reviewing Records	Legal Research and Brief Writing	Investigative and Other Work
1-5-05	Conf. D. Luman	1.25			
1-7-05	Letter to Mr. T. G. Russell				
	Letters from + to client	1.75			
1-17-05	Letters to Mr. + client	1.50			
1-21-05	Letter to Mr. T. G. Russell	1.25			
1-30-05	Conflict conference				
	client's message letter				
	mother; letter to client	1.50			
2-3-05	Obtain rec. of wit.				
	Carlos J. Diaz Castillo	1.50			
2-4-05	Letter to C. J. Castillo	1.25			
2-7-05	Docket Call	1.00	(In Court)		
2-11-05	Conf. C. Ramirez Day				
	Rev. Del. P. J. Letter to				
	Client	1.25			
2-18-05	Letters from + to client				
	Letter to C. J. Castillo	1.75			

Note: Voucher should be itemized on 1/4 of an hour basis.

PAGE TOTAL HOURS

6

GRAND TOTAL HOURS

(24)

## OUT OF COURT HOURLY WORKSHEET

ATTORNEY NAME

*Wm. T. D. Hoffman*  
*2009-CH-1461-A*

CAUSE NO.

Date	Brief Description of Services	Interviews and Conferences	Obtaining and Reviewing Records	Legal Research and Brief Writing	Investigative and Other Work
3-1-05	Letter to C.J. Castillo	✓ .25			
3-7-05	"	✓ .25			
3-11-05	" - letters from x to client, conf. D.				
	Lunan	✓ 1.0			
3-18-05	Letter to C.J. Castillo	✓ .25			
3-24-05	Tel. conf., C.J. Castillo Letter to client	✓ .75			
3-30-05	Tel. conf., Dr. J. Fenell	✓ .50			
4-1-05	Letter to C.J. Castillo	✓ .25			
4-8-05	Rev. Mental Health Findings; letters from x to client	✓ .50	2.75		
1-22-05	Conf. D. Lunan, letters from x to client	✓ .75			

Note: Voucher should be itemized on 1/4 of an hour basis.

PAGE TOTAL HOURS

7 1/4

GRAND TOTAL HOURS


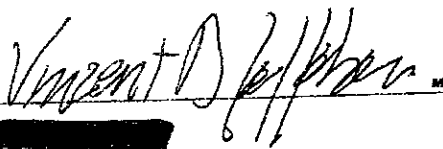
38.75

in Total 30

out

6



<b>VINCENT D. CALLAHAN</b> <b>ATTORNEY AT LAW</b> [REDACTED] SAN ANTONIO, TEXAS [REDACTED]		32-61-53 1110 9637019351 DATE <u>4-23-2004</u>
PAY TO THE ORDER OF <u>Tommy Caldwell</u>		\$ <u>300.00</u>
<u>Three Hundred and no/100</u>		DOLLARS  <small>Security Features Details on Back</small>
<b>BANK1ONE.</b> <small>Bank One, NA Dallas, Texas 75201 www.BankOne.com</small>		<u>Vincent D. Callahan</u> 
MEMO <u>Juan Castillo</u> [REDACTED] [REDACTED]		

## **Exhibit 13**

## ATTORNEY'S FEES EXPENSE CLAIM FORM - DISTRICT COURT, BEXAR COUNTY REV'D 09/04

## PERSONAL INFORMATION

1. NAME AND MAILING ADDRESS (Number) (Street) (Suite) (City) (State) (Zip)  
 2. SOCIAL SECURITY NUMBER  
 3. TELEPHONE NUMBER  
 4. STATE BAR NUMBER  
 5. DISTRICT COURT  
 6. PERSON REPRESENTED AND SID  
 7. CAUSE NO(S)  
 8. OFFENSE(S) CHARGED: CAPITAL MURDER  
 9. OFFENSE DATE: 2004-CR-1461-A  
 10. PROCEEDING AND DISPOSITION (DESCRIBE BRIEFLY): JURY: GUILTY JURY: DEATH

## CLAIM FOR SERVICES AND EXPENSES

11. Payment Category		12. Person Represented	
<input checked="" type="checkbox"/> Capital	<input type="checkbox"/> Second Degree <input type="checkbox"/> 11,071 DP Writ	<input checked="" type="checkbox"/> Adult Defendant	<input type="checkbox"/> Appellant
<input type="checkbox"/> First Degree	<input type="checkbox"/> Third Degree, SJF	<input type="checkbox"/> Adult	<input type="checkbox"/> Appellee
IN COURT APPEARANCE		NUMBER OF HOURS	HOURLY RATE/FLAT FEE
Court Appearance (Docket call, Routine Appearances)	1	575	✓ \$75.00
Evidentiary Hearing (Pre Trial Hearing, MTRP - Testimony taken)	1 @ \$75.00	Capital 1 <sup>st</sup> chair - \$125 2 <sup>nd</sup> chair - \$115	✓ 75.00
Trial	4 1/2 trial 5834 VD X140 X90 5810 5287.50	Capital 1 <sup>st</sup> - \$100 Trial - \$150 2 <sup>nd</sup> - \$90 (5140) 1 <sup>st</sup> - \$3500 2 <sup>nd</sup> - \$2500 1 <sup>st</sup> - \$300	✓ 11,097.50
Flat Fees for MTRP's	n/a	HOURLY RATE	AMOUNT
OUT OF COURT SERVICES	NUMBER OF HOURS	HOURLY RATE	AMOUNT
Initial Jail Visit (one time only payment)	n/a	5100 (FLAT FEE)	✓ 100.00
Not to exceed Capital - 100 hrs	2/03/05	Capital (380) 1 <sup>st</sup> - \$75 2 <sup>nd</sup> - \$60 3 <sup>rd</sup> SJF - \$50	✓ 2460.00
Other felonies - 30 hrs	303/4	Other felonies o/c - 1 <sup>st</sup> - \$75 hr o/c - \$150 hr i/c - \$200 hr	
Without prior court approval		3 <sup>rd</sup> SJF - \$50 hr i/c - \$150 hr	
OTHER			
Appeals and PDPRs			
Not to exceed Capital - \$15,000			
Other felonies - \$6,500			
Investigator fees. Attach a copy of order approving appointment. Need prior approval to exceed the following maximums: Capital - \$1500.00 1 <sup>st</sup> - \$750 2 <sup>nd</sup> - \$500 3 <sup>rd</sup> SJF - \$300			

TOTAL \$ 13,807.50

1. John W. Fleming Attorney at Law, swear that having been duly appointed, I represent the above-named defendant and that the foregoing facts are true and correct. I further swear or affirm that I have not received nor will receive any money or anything else of value for representing the accused, except as approved by the Court in writing.

SWORN AND SUBSCRIBED before me, this the 31<sup>st</sup> day of January, 2006

APPROVED in the total amount of \$ 13807.50 Comments: \_\_\_\_\_

\* In the event of a dispute this voucher may be submitted to a peer review committee for resolution.

Attorney Signature: John W. Fleming  
 Clerk/Clerk of the Court: Marlene  
 Judge Presiding: Marlene

STATE OF TEXAS

186<sup>th</sup> DISTRICT COURT

COUNTY OF BEXAR

APPOINTMENT OF ATTORNEY

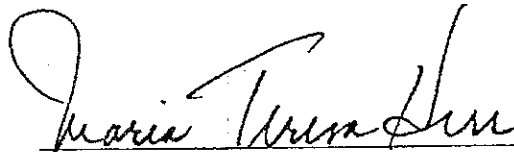
The court in accordance with Article 26.04 Code of Criminal Procedure, as amended hereby appoints: John (Bill) Harris Jr. - 2nd Chair attorney, to represent Juan Castillo, defendant, in cause number(s) 2004 CR 1461A - Capital Murder

Such representation to continue until charges are dismissed, the defendant is acquitted, appeals are exhausted, or until relieved by the court or replaced by other counsel.

Performance of duties under this order of appointment will result in submission of your claim for payment by submitting a payment voucher for court approval.

Notified of appointment on the 27<sup>th</sup> day of Feb, 2004.

Signed this 27<sup>th</sup> day of Feb, 2004.

  
Judge

## IN COURT HOURLY WORKSHEET

Page 1 of 2

ATTORNEY NAME

John W. Harris, Jr.

CAUSE NO.

2004-CR-1461-A

Date	Brief Description of Services	Court Appearances	Motions and/or Other Evidentiary Hearings	Sentencing Hearings	Trial	Revocation Hearings	Appeals Court	Other
3-29-04	Trial docket	1						
2-07-05	Trial docket	1 (court appearance)						
7-05-05	Pre-trial motions		1		[testimony]			
7-15-05	General voir dire		unable to attend this session					
7-26-05	Individual voir dire				5			
7-27-05	" " "				6			
7-28-05	" " "				5 3/4			
8-02-05	" " "				6 3/4			
8-03-05	" " "				2 1/4			
8-04-05	" " "				5 1/4			
8-05-05	" " "				6 3/4			
8-09-05	" " "				5 3/4			
8-10-05	" " "				5			
8-11-05	" " "				3 3/4			
8-12-05	" " "				6 1/2			

Note: Voucher should be itemized on 1/4 of an hour basis.

2 @ 75.00 = 150.00  
 58 3/4 @ 90.00 = 5287.50 V.D.

PAGE TOTAL HOURS 60 3/4GRAND TOTAL HOURS 102 1/4

ATTORNEY NAME

**CAUSE NO.**

John W. Ham, Jr.

2004-CD-1461-A

[illegible]

Note: Voucher should be itemized on 1/4 of an hour basis.

$41\frac{1}{2} @ 140 = \$5810.00$  trial  
 $\underline{5287.50}$   
 $11,097.50$

PAGE TOTAL HOURS	41.5
GRAND TOTAL HOURS	102 $\frac{1}{4}$



## OUT OF COURT HOURLY WORKSHEET

ATTORNEY NAME

CAUSE NO.

*John W. Harris, Jr.*  
 2004-CR-1461-A

Page 1 of 2

Date	Brief Description of Services	Interviews and Conferences	Obtaining and Reviewing Records	Legal Research and Brief Writing	Investigative and Other Work
2-27-04	Appointed by Court	-	-	-	-
2-27-04	Confer w/ Co-Counsel	1/4			
3-05-04	Confer w/ Co-Counsel	1/4			
3-15-04	Review State's file - DA's office		3		
2-03-05	Initial jail visit	-	-	-	-
6-03-05	Review State's file - DA's office		4 1/2		
6-14-05	Jail visit - Client	1			
7-05-05	Confer w/ co-counsel	2			
7-15-05	" " "	2			
8-02-05	" " "	1/2			
8-03-05	" " "	1/2			
8-04-05	" " "	1/2			
8-05-05	" " "	1/2			
8-09-05	" " "	1/2			
8-10-05	" " "	1/2			
8-11-05	" " "	1/2			

Note: Voucher should be itemized on 1/4 of an hour basis.

PAGE TOTAL HOURS 16 1/2GRAND TOTAL HOURS 30 3/4

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**ATTORNEY NAME**

**CAUSE NO.**

Mr. W. Davis Jr  
2004-CR-1461-A

Date	Brief Description of Services	Interviews and Conferences	Obtaining and Reviewing Records	Legal Research and Brief Writing	Investigative and Other Work
8-12-05	Confer w/ co-counsel	1/2			2 1/4
8-16-05	Review video tape - DA's office		2		
8-17-05	Review notes - research law				
8-22-05	Confer w/ co-counsel	2 1/2	2		
8-22-05	Trial preparation - notebook				
8-23-05	Confer w/ co-counsel	1/2			
8-24-05	" " "	1/2			
8-25-05	" " "	1/2			
8-26-05	" " "	1/2			
8-30-05	" " "	1/2			
8-31-05	" " "	1/2			
9-01-05	" " "	1/2			
9-01-05	Interview Dr. Farrell				1
10-30-05	Drafts filed w/ withdrawn				1/2

**Note: Voucher should be itemized on 1/4 of an hour basis.**

30 3/4 @ \$80.00 = \$2460

**PAGE TOTAL HOURS**

14/11 ✓

**GRAND TOTAL HOURS**

30 3/4

## **Exhibit 14**

Vincent D. Callahan

Attorney

Laurel Heights Station

memo 9-5-05  
 to Bill Harris, FAX [REDACTED]  
 from Denny  
 re Vouchers

	conservative ---	
Being	Conf. co-counsel	2.0
7-5-05	Conf. co-counsel	2.0
7-15-05	"	.5
8-2-05	"	.5
8-3-05	"	.5
8-4-05	"	.5
8-5-05	"	.5
8-9-05	"	.5
8-10-05	"	.5
8-11-05	"	.5
8-12-05	"	2.5
8-22-05	"	.5
8-23-05	"	.5
8-24-05	"	.5
8-25-05	"	.5
8-26-05	"	.5
8-30-05	"	.5
8-31-05	"	.5
9-1-05		
		14.0
		#80
		Total
		Rate
		# 6,120.00 Amt

## **Exhibit 15**

ATTORNEY'S FEES EXPENSE CLAIM FORM - DISTRICT COURT, BEXAR COUNTY REV'D 09/04  
PERSONAL INFORMATION

1. NAME AND MAILING ADDRESS (Number) (Street) (Suite) (City) (State) (Zip)  
 RAYMOND E. FUCHS  
 2. SOCIAL SECURITY NUMBER  
 3. TELEPHONE NUMBER  
 4. STATE BAR NUMBER  
 07498400  
 5. DISTRICT COURT  
 18th D.C.  
 6. PERSON REPRESENTED AND SID  
 FRANCISCO GONZALEZ  
 7. CAUSE NO(S)  
 2004 CR 1461 B  
 9. OFFENSE DATE  
 DECEMBER 3, 2003

8. OFFENSE(S) CHARGED: CAPITAL MURDER  
 10. PROCEEDING AND DISPOSITION (DESCRIBE BRIEFLY):  
 REDUCED TO MURDER - FELONY - 40 yrs TDC (DURING JURY SELECTION)

## CLAIM FOR SERVICES AND EXPENSES

11. Payment Category		12. Person Represented		13. Person Represented		14. Person Represented	
Capital	Second Degree	Adult Defendant	Appellant	Capital	Second Degree	Adult Defendant	Appellant
IN COURT APPEARANCE	OUT OF COURT SERVICES	NUMBER OF HOURS	HOURLY RATE/PLAT FEE	HOURLY RATE/PLAT FEE	HOURLY RATE/PLAT FEE	HOURLY RATE/PLAT FEE	AMOUNT
Court Appearance (Docket call, Routine Appearances)		6.00	\$75	Capital 1st Chair - \$125 2nd Chair - \$115	1st - \$100 2nd - \$85 3rd SIF - \$75		625.00
Evidentiary Hearing (Pre Trial Hearing, MTRP - Testimony taken)		5.00	\$75	Capital 1st - \$100 Trial - \$150 2nd - \$90	1st - \$125 2nd - \$100 3rd SIF - \$75	VD TRIAL	5400.00 300.00
Flat Fees for Trials		n/a		Capital 1st - \$3500 2nd - \$2500 3rd - \$300	1st - \$750 2nd - \$500 3rd SIF - \$400 3rd SIF - \$175		
Flat Fees for MTR's		n/a					
OUT OF COURT SERVICES		NUMBER OF HOURS	HOURLY RATE	HOURLY RATE	HOURLY RATE	HOURLY RATE	AMOUNT
Initial Jail Visit (one time only payment)		n/a					
Not to exceed Capital - 100 hrs Other felonies - 30 hrs w/ prior court approval		67.00	\$75	Capital - \$80 1st - \$75	2nd - \$60 3rd SIF - \$50		5360.00
Appeals and PDs Not to exceed Capital - \$15,000 Other felonies - \$6,500				Other felonies 1st - \$75 hr 2nd - \$60 hr 3rd SIF - \$50 hr w/ - \$200 hr			
Investigator fees. Attach a copy of order approving appointment. Need prior approval to exceed the following maximums: Capital - \$1500.00 1st - \$750 2nd - \$500 3rd SIF - \$300							
TOTAL \$							12,235.00

## CERTIFICATION

I, RAYMOND E. FUCHS, Attorney at Law, swear that having been duly appointed, I personally represented the above-named defendant and that the foregoing facts are true and correct. I further swear or affirm that I have not received nor will receive any money or anything else of value for representing the accused, except as approved by the Court in writing.

SWORN AND SUBSCRIBED before me, this the 22 day of August, 2007.

APPROVED in the total amount of \$ 12,235.00. Comments: Okay, if not sure.

Attorney's Signature  
 Raymond E. Fuchs  
 Clerk/Coordinating Officer of the Court  
 Heather M. Mendenhall  
 Judge Presiding



## IN COURT HOURLY WORKSHEET

ATTORNEY NAME

Raymond E. Fuchs

CAUSE NO.

2004-CR-1461B

Date	Brief Description of Services	Court Appearances	Motions and Other Evidentiary Hearings	Sentencing Hearings	Trial	Revocation Hearings	Appeals Court	Other
010604	PRE INDICTMENT HEARING	1.00						Voile DIRE
020604	BOND REDUCTION HEARING		1.50					
022704	DOCKET CALL 186TH D.C.	1.00						
032904	DOCKET CALL 186TH D.C.	1.00						
033004	DOCKET RECALL 186TH D.C.	1.00						
070705	DOCKET CALL 186TH D.C.	1.00						
033005	PRE TRIAL MOTIONS HEARING		3.50					
040805	GENERAL VOIR DIRE							4.00
041205	INDIVIDUAL VOIR DIRE							6.00
041305	INDIVIDUAL VOIR DIRE							6.50
041405	INDIVIDUAL VOIR DIRE							5.75
041505	INDIVIDUAL VOIR DIRE							6.25
042605	INDIVIDUAL VOIR DIRE							8.00
042705	INDIVIDUAL VOIR DIRE							4.50
042805	INDIVIDUAL VOIR DIRE							2.50
042905	INDIVIDUAL VOIR DIRE							7.50
050305	INDIVIDUAL VOIR DIRE							3.00
Note: Voucher should be itemized on 1/4 of an hour basis		5.00	5.00					54.00
				PAGE TOTAL HOURS	64.00			
				GRAND TOTAL HOURS				



## OUT OF COURT HOURLY WORKSHEET

ATTORNEY NAME

Raymond E. Fuots

CAUSE NO.

2004 CR 1461 B

Date	Brief Description of Services	Interviews and Conferences	Obtaining and Reviewing Records	Legal Research and Brief Writing	Investigative and Other Work
01 02 04	Initial Jail Visit of Defendant	(on claim	form - main page)		
01 03 04	Scene Investigation				1.50
01 05 04	T/C with Def's wife	.50			
01 20 04	Prepared & Filed Motion for Bond Red			1.00	
02 03 04	Interviewed Witnesses	2.25			
02 05 04	Conference with Def. - BCI	1.25			
02 27 04	Read State's File - D.A.'s office		2.50		
04 02 04	Prepared & Filed Motions			5.50	
04 13 04	Prepared & Filed Ex Parte Motion			.75	
06 28 04	Conference with Co. Counsel	1.75			
07 13 04	Records Research		1.50		
08 05 04	Conference with Def. - BCI	1.25			.25
08 25 04	Drafted & Prepared Letter for Inv.	.			
09 27 04	Conference with witnesses	1.50			
10 06 04	Prepared Ex Parte motion			.75	
10 07 04	Read Letter from Def.		.25		
10 25 04	Conference with Psychologist	.50			
Note: Voucher should be itemized on 1/4 of an hour basis.		9.00	4.25	8.00	1.75

PAGE TOTAL HOURS 23.00GRAND TOTAL HOURS —

## OUT OF COURT HOURLY WORKSHEET

ATTORNEY NAME

Raymond E. Fuchs

CAUSE NO.

2004 CR 1461 B

Date	Brief Description of Services	Interviews and Conferences	Obtaining and Reviewing Records	Legal Research and Brief Writing	Investigative and Other Work
11.02.04	Read Letter from Def.		.25		
11.17.04	Prepared a Filed Motion to Suppress			.75	
11.17.04	T/C with Psychologist	.25			
11.22.04	Read Letter from Def.	.25			
12.22.04	T/C with Def's wife	.25			
01.21.05	Read Letter from Def.		.25		
01.22.05	Conference with Def. - BCJ	1.25			
02.07.05	Read State's File (Again)		3.25		
03.08.05	Read Letter from Def.		.25		
03.11.05	Prepared a Filed Ex Parte Motion			.75	
03.16.05	Read State's File (Again)		2.00		
03.16.05	T/C with Mitigation Expert	.25			
03.20.05	Conference with Def's Family	3.25			
03.21.05	Conference with Investigator	1.00			
03.21.05	Reviewed Records of Def.		1.25		
03.27.05	T/C with Psychologist	.25			
04.06.05	Received & Reviewed 404(b) evidence		.75		
Note: Voucher should be itemized on 1/4 of an hour basis.		6.75	8.00	1.50	

PAGE TOTAL HOURS 16.25GRAND TOTAL HOURS

**ATTORNEY NAME**

Raymond E. Fuchs

**CAUSE NO.**

2004. CR. 1461 B

Date	Brief Description of Services	Interviews and Conferences	Obtaining and Reviewing Records	Legal Research and Brief Writing	Investigative and Other Work
04.06.05	Scene Investigation with Co. counsel				2.75
04.07.05	Conference with Def. BCJ	1.00			
04.07.05	Legal Research			1.25	
04.11.05	Reviewed Jury Questionnaires (1-24)		4.00		
04.12.05	Reviewed Jury Questionnaires (25-36)		1.50		
04.13.05	Reviewed Jury Questionnaires (37-50)		2.00		
04.14.05	Reviewed Jury Questionnaires (51-60)		1.50		
04.18.05	Conference with witnesses	1.75			
04.18.05	Conference with Mitigation Expert	1.50			
04.18.05	Conference with Investigator	1.25			
04.24.05	Conference with Mitigation Expert	.50			
05.03.05	Prepared a Filed Motion for Record of Hear.			.75	
08.01.05	Conference with Def. - BCJ				
08.02.05	Conference with Def & A.D.A.	3.25			
08.21.06	Conference with Def. BCJ	1.25			

**Note:** Voucher should be itemized on 1/4 of an hour basis.

## 2.75

2.00

9.00

10 50

PAGE TOTAL HOURS 24.25

GRAND TOTAL HOURS 63.50

